

State of Missouri  
Department of Public Safety  
State Emergency Management Agency  
Missouri Emergency Response Commission

# LEPC

# Resource Manual



## MISSOURI EMERGENCY RESPONSE COMMISSION

### MISSION STATEMENT:

“The mission of the Missouri Emergency Response Commission is to protect public health and the environment by assisting communities with chemical incident prevention, preparedness, response and recovery; and by receiving, processing and reporting on chemical information received under the community right-to-know laws.”



## MERC Commission

<p><b>Robert S. Arnold, Chief</b>  <b>Pattonville/Bridgeton Terrace Fire Dept.</b>  13900 St. Charles Rock Road  Bridgeton, MO 63044  <b>Representing: Fire Service</b>  Work: 314-739-3118  Fax: 314-739-5477  E-Mail: <a href="mailto:sarnold@pattonvillefd.com">sarnold@pattonvillefd.com</a></p>	<p><b>Honorable John Griesheimer, Senator</b>  State Capitol Building, Rm. 227  Jefferson City, MO 65101  <b>Representing: Missouri Senate</b>  Work: 573-751-3678  Fax: 573-526-2609  E-Mail: <a href="mailto:jgriesheimer@senate.mo.gov">jgriesheimer@senate.mo.gov</a></p>
<p><b>James "Brad" Willett, Chairman</b>  8857 County Rd 418  Hannibal, MO 63401  <b>Representing: Industry</b>  Home: 573-221-7093  email: <a href="mailto:grinch@rallstech.com">grinch@rallstech.com</a></p>	<p><b>Ronald Reynolds, Director</b>  State Emergency Management Agency  2302 Militia Drive  Jefferson City, MO 65102  <b>Representing: Department of Public Safety</b>  Work: 573-526-9101  Fax: 573-634-7966  E-Mail: <a href="mailto:ron.reynolds@sema.dps.mo.gov">ron.reynolds@sema.dps.mo.gov</a></p>
<p><b>Honorable Rita Heard Days, Senator</b>  State Capitol Building, Rm. 427  Jefferson City, MO 65101  <b>Representing: Missouri Senate</b>  Work: 573-751-4106  Fax: 573-751-0467  E-Mail: <a href="mailto:ritadays@senate.mo.gov">ritadays@senate.mo.gov</a></p>	<p><b>Alan Reinkemeyer, Director</b>  Environmental Services Program  P.O. Box 176  Jefferson City, MO 65102  <b>Representing Department of Natural Resources</b>  Work: 573-526-3345  Fax: 573-526-3350  E-Mail: <a href="mailto:alan.reinkemeyer@dnr.mo.gov">alan.reinkemeyer@dnr.mo.gov</a></p>
<p><b>James D. Corwin, Chief</b>  <b>Kansas City Police Department</b>  1125 Locust Street  Kansas City, MO 64106  <b>Representing: Law Enforcement</b>  Work: 816-234-5010  Fax: 816-234-5013  E-Mail: <a href="mailto:chiefsoffice@kcpd.org">chiefsoffice@kcpd.org</a></p>	<p><b>TO BE FILLED BY APPOINTMENT</b>   <b>Representing: Department of Health &amp; Senior Services</b></p>

<p><b>Gerald W. Jones,</b>  <b>Presiding Commissioner, County of</b>  <b>Cape Girardeau</b>  206 County Road 601  Jackson, MO 63755  <b>Representing: Local Government</b>  Work: 573-243-3515  Fax: 573-243-3517  E-Mail: <a href="mailto:commish@capecounty.us">commish@capecounty.us</a></p>	<p><b>Honorable Kenny Jones, Representative</b>  201 West Capitol Avenue, Rm 405A  Jefferson City, MO 65101  <b>Representing: Missouri House of</b>  <b>Representatives</b>  Work: 573-751-2134  Fax: 573-526-3994  E-Mail: <a href="mailto:kenny.jones@house.mo.gov">kenny.jones@house.mo.gov</a></p>
<p><b>TO BE FILLED BY APPOINTMENT</b></p> <p><b>Representing: Missouri Department of</b>  <b>Transportation</b></p>	<p><b>Chester A. Culley, General Director</b>  Environmental Quality &amp; Hazardous  Materials  Kansas City Southern Railway Co.  427 W. 12th Street  Kansas City, MO 64105  <b>Representing: Transporter of Hazardous</b>  <b>Chemicals</b>  Work: 816-983-1343  Email: <a href="mailto:chester.a.culley@kcsr.com">chester.a.culley@kcsr.com</a></p>
<p><b>Honorable Michael Parson,</b>  <b>Representative</b>  201 West Capitol Avenue, Rm. 405A  Jefferson City, MO 65101  <b>Representing: Missouri House of</b>  <b>Representatives</b>  Work: 573-751-1347  Fax: 573-522-9179  E-Mail: <a href="mailto:mike.parson@house.mo.gov">mike.parson@house.mo.gov</a></p>	<p><b>Mrs. Diana G. Fendya, R.N., M.S.N.</b>  <b>National Resource Center for Health</b>  <b>Programs and Strategies</b>  1010 Cabernet Dr.  Chesterfield, MO 63017  <b>Representing: General Public</b>  Work: 636-527-9336  Fax: 636-527-9346  E-Mail: <a href="mailto:dianefendya@charter.net">dianefendya@charter.net</a></p>

(Revised 5-2-06)



# MISSOURI EMERGENCY RESPONSE COMMISSION

Department of Public Safety  
State Emergency Management Agency  
P.O. Box 3133  
Jefferson City, Missouri 65102  
Ph: 573-526-9240 or 800-780-1014 Fax: 573-526-9261  
Web Site: <http://sema.dps.mo.gov/mercc.htm>



## BY-LAWS

1. **ROBERT'S RULES OF ORDER, REVISED will be used to conduct commission meetings. The Commission can adopt by-laws to modify those rules.**
2. **To adopt or change by-laws of the Commission requires the votes of two thirds of the Commission members.**
3. **Officers of the Commission include the chair and vice chair, and are elected by a majority of the Commission.**
4. **Commission officers are elected on the first commission meeting after April 17 of each year.**
5. **The chair presides at all regular and special meetings of the Commission. In the absence of the chair, the vice chair presides.**
6. **To pass a motion requires the votes of a majority of the commission members present.**
7. **Each commission member, including the chair, has one vote.**
8. **Any member of the commission can request that the chair call a special meeting.**
9. **A special meeting will be held if called by the chair or if requested by half of the commission members.**
10. **All meetings of the commission will be open to the public and will be preceded by public notice of the meeting.**
11. **The commission will meet at least quarterly.**

# **MISSOURI EMERGENCY RESPONSE COMMISSION**

**Staff:****Phones:**

Robert Dopp - Executive Director  
Bob.Dopp@sema.dps.mo.gov

(573) 526-9237

Angela Archer - Executive I  
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(573) 526-9239

Freida Peary Glover - Senior Office Support Asst. (573) 526-9241


Patricia Dulle - Office Support Asst.


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P.O. BOX 3133  
Jefferson City, MO 65102  
(573) 526-9240  
(800) 780-1014  
Fax (573) 526-9261**


# Missouri's Local Emergency Planning Committee Map

 Mid America Regional


 Meramec Regional


 SE Missouri Regional

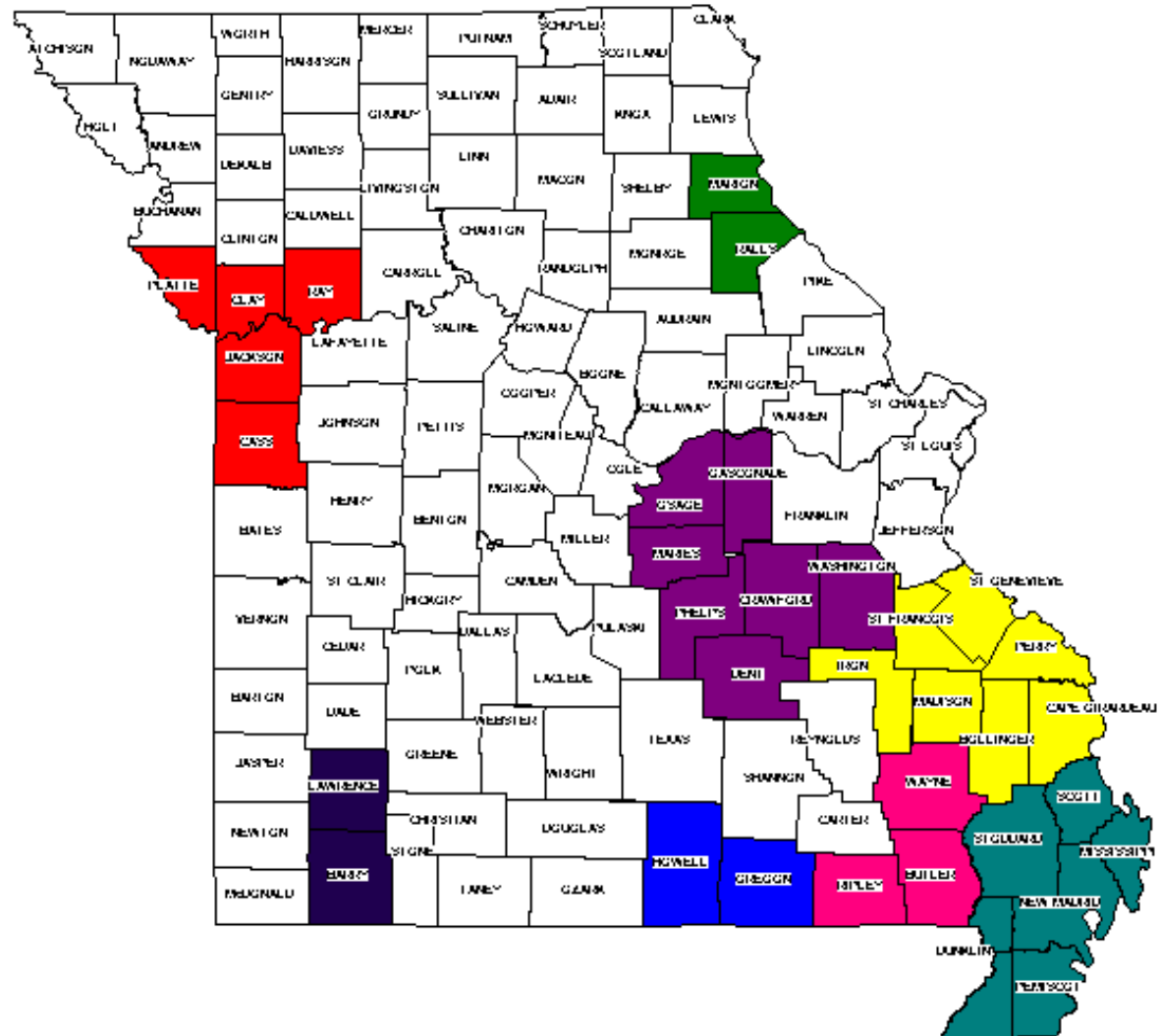
 Bootheel Regional

 Ozark Foothills Regional

 Marion-Ralls

 Lawrence-Barry


 Howell-Oregon



# Missouri's Local Emergency Planning Committee Map

 **Mid-America Regional**

 **Meramec Regional**

 **SE Missouri Regional**

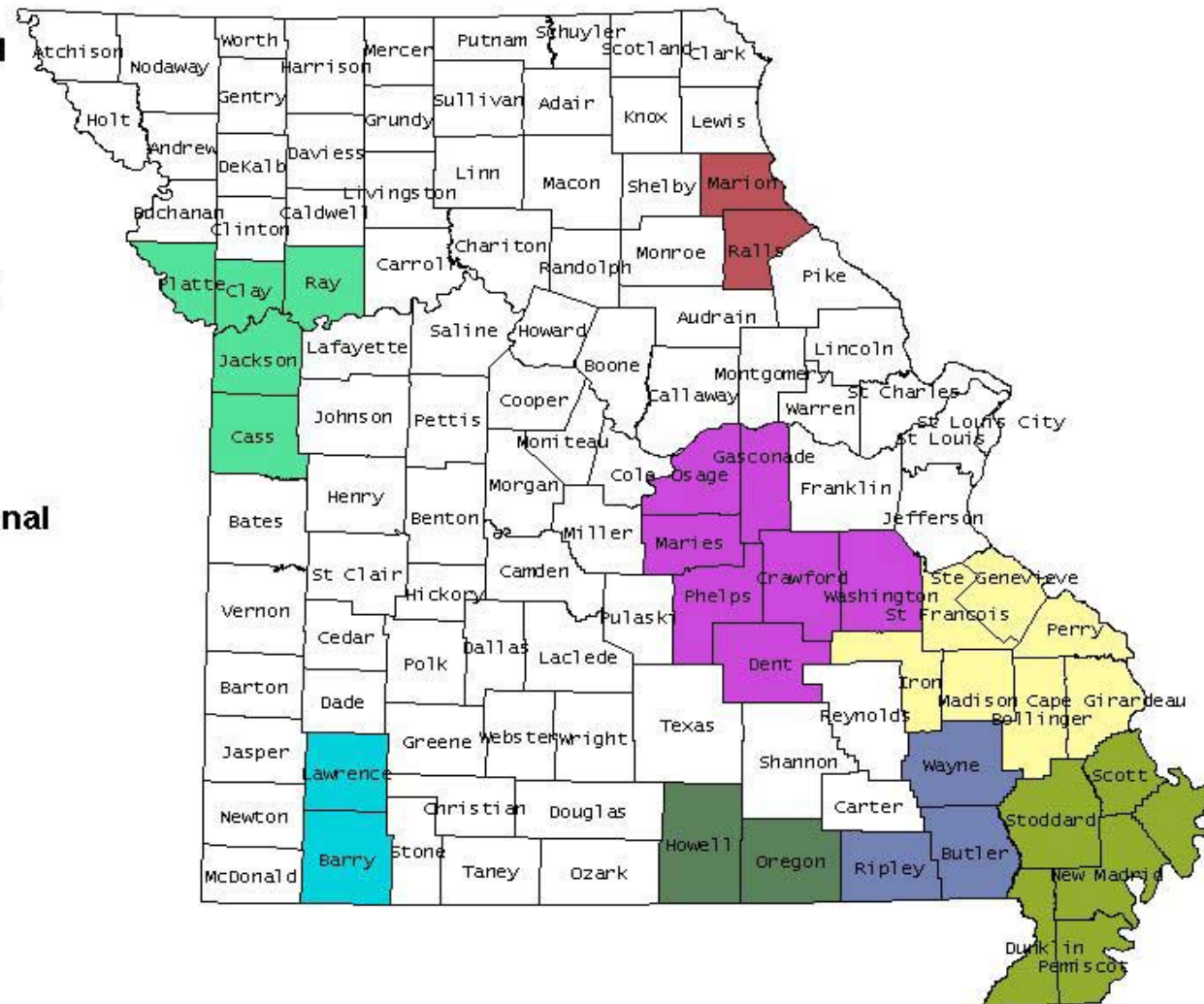
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 **Ozark Foothills Regional**

 **Marion-Ralls**

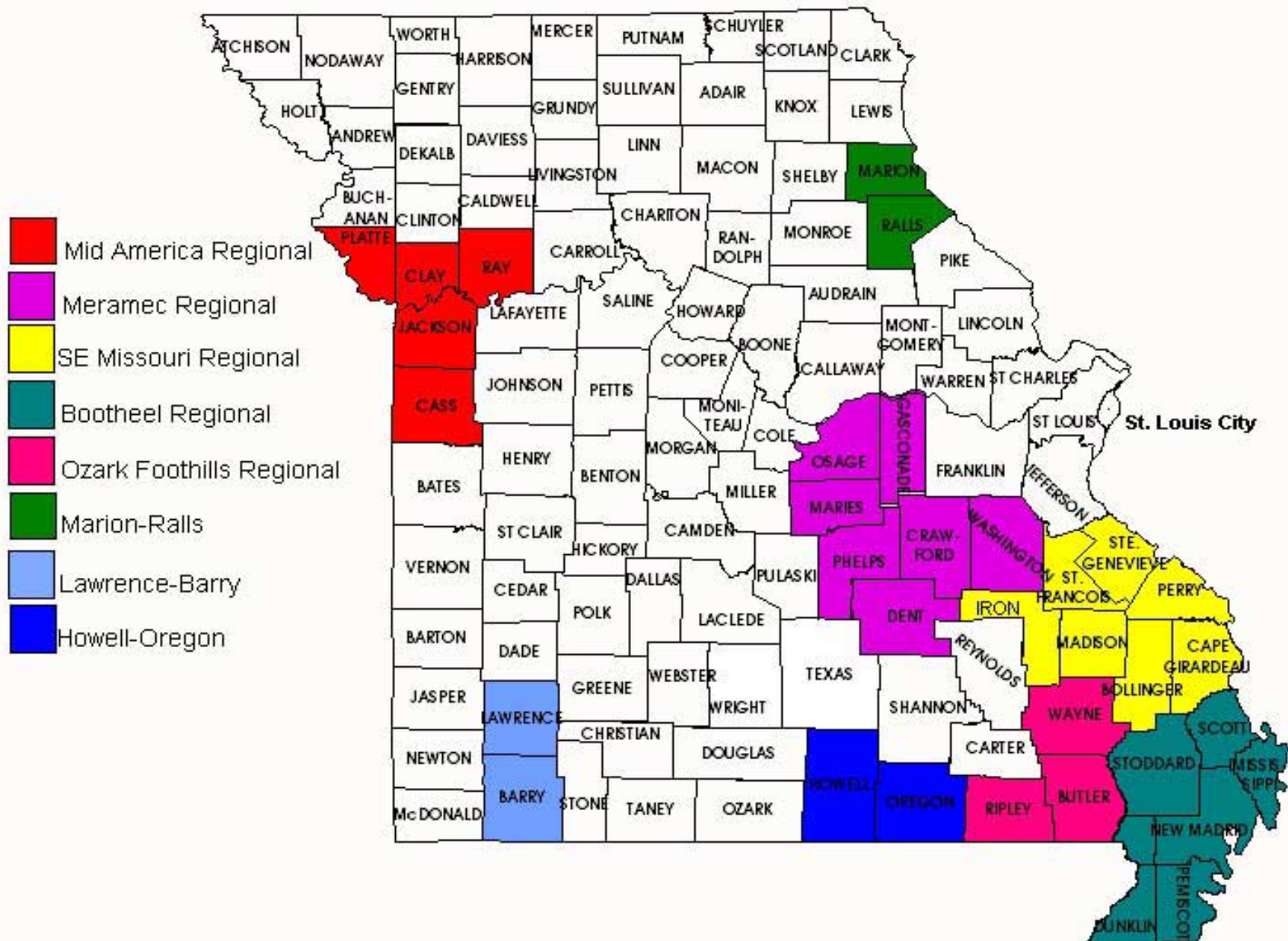
 **Lawrence-Barry**

 **Howell-Oregon**





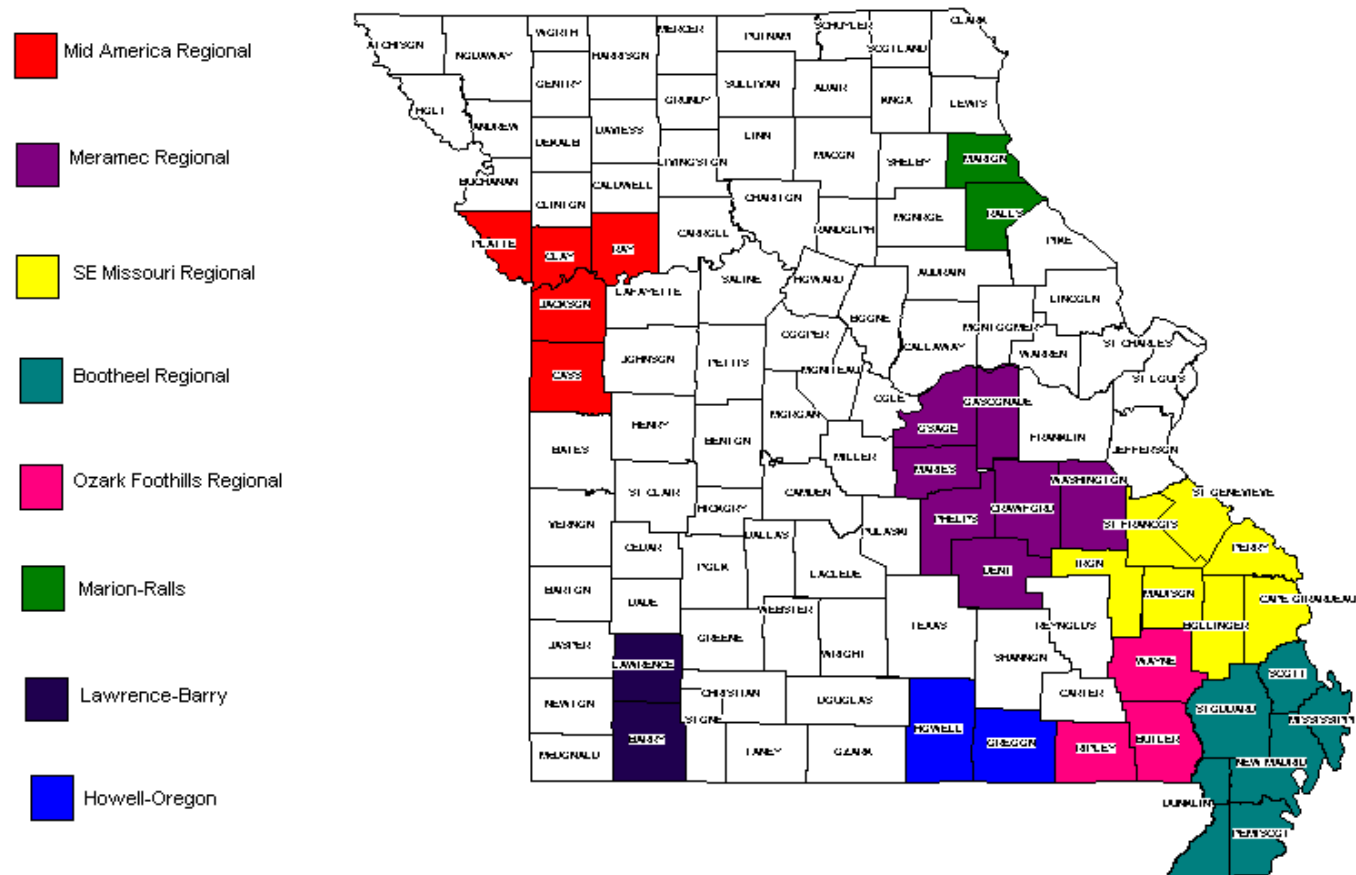
# Missouri's Local Emergency Planning Committee Map



## STATE HIGHWAYS IN MISSOURI



## Missouri's Local Emergency Planning Committee Map







# Local Emergency Planning Committees (LEPC) Addresses

<b>ADAIR COUNTY LEPC</b> Stan East, Jr. 401 North Franklin Kirkville, MO 63501 Phone: 660-665-3734 Fax: 660-627-7011 Website: <a href="http://www.kirkvillecity.com/fire/kvfiredept.html">www.kirkvillecity.com/fire/kvfiredept.html</a> Email: <a href="mailto:kvfire@kirkvillecity.com">kvfire@kirkvillecity.com</a>	<b>ANDREW COUNTY LEPC</b> Roger L Latham PO Box 206 Savannah, MO 64485 Phone: 816-324-3511 Fax: 816-324-5110 Email: <a href="mailto:ema002@bbwi.net">ema002@bbwi.net</a>	<b>ATCHISON COUNTY LEPC</b> Ronda Wiley PO Box 113 Rock Port, MO 64482 Phone: 660-744-6308 Fax: 660-744-6345 Email: <a href="mailto:acemrp@rpt.coop">acemrp@rpt.coop</a>
<b>AUDRAIN COUNTY LEPC</b> Greg Weaver Audrain County Courthouse, Room 10 101 N. Jefferson Mexico, MO 65265 Phone: 573-582-5307 Fax: 573-581-2380 Email: <a href="mailto:gaweave@audrainmedicalcenter.com">gaweave@audrainmedicalcenter.com</a>	<b>BARRY COUNTY LEPC</b> Barry/Lawrence LEPD David Compton PO Box 458 Monett, MO 65708-0458 Phone: 417-235-0200 Fax: 417-235-0400 Email: <a href="mailto:lepc@mo-net.com">lepc@mo-net.com</a>	<b>BARTON COUNTY LEPC</b> Tom Ryan PO Box 453 Lamar, MO 64759 Phone: 417-682-3529 Email: <a href="mailto:lepc@tiadon.com">lepc@tiadon.com</a>
<b>BATES COUNTY LEPC</b> Tim Young Bates County Courthouse 1 North Delaware Butler, MO 64730 Phone: 660-200-2034 Email: <a href="mailto:batesema480@earthlink.net">batesema480@earthlink.net</a>	<b>BENTON COUNTY LEPC</b> Jim Barber PO Box 852 Warsaw, MO 65355 Phone: 660-438-8412 Fax: 660-438-8413 Email: <a href="mailto:benton_county_ema@earthlink.net">benton_county_ema@earthlink.net</a>	<b>BOLLINGER COUNTY LEPC</b> SEMO Regional LEPD Dave Hitt #1 Barton Square Jackson, MO 63755 Phone: 573-204-2941 Fax: 573-204-2949 Email: <a href="mailto:capecoeoc@clas.net">capecoeoc@clas.net</a>
<b>BOONE COUNTY LEPC</b> Scott Olsen 2201 I-70 Dr NW Columbia, MO 65202 Phone: 573-447-5000 Fax: 573-447-5099 Email: <a href="mailto:solsen@bcfdmo.com">solsen@bcfdmo.com</a>	<b>BUCHANAN COUNTY LEPC</b> William Brinton, Jr 411 Jules St St. Joseph, MO 64501 Phone: 816-271-1574 Fax: 816-901-1604 Email: <a href="mailto:wbrinton@co.buchanan.mo.us">wbrinton@co.buchanan.mo.us</a>	<b>BUTLER COUNTY LEPC</b> Ozark Foothills LEPD Bob Fredwell 3240 S Westwood Poplar Bluff, MO 63901 Phone: 573-785-6049 Fax: 573-785-6049 Email: <a href="mailto:bfredwell@imsinternet.net">bfredwell@imsinternet.net</a>
<b>CALDWELL COUNTY LEPC</b> Jim Blades 109 S. Hughes Hamilton, MO 64644 Phone: 816-583-4472 Fax: 816-586-3020 Email: <a href="mailto:sheriff@cameron.net">sheriff@cameron.net</a>	<b>CALLAWAY COUNTY LEPC</b> Tim Diemler PO Box 817 Fulton, MO 65251 Phone: 573-592-2480 Email: <a href="mailto:tindiemler@cceoc.org">tindiemler@cceoc.org</a>	<b>CAMDEN COUNTY LEPC</b> Harold D. Ward One Court Circle #1 Camdenton, MO 65020 Phone: 573-346-4440 Ext 287 Fax: 573-346-5736 Email: <a href="mailto:hdward@camdenmo.org">hdward@camdenmo.org</a>
<b>CAPE GIRARDEAU COUNTY LEPC</b> SEMO Regional LEPD Dave Hitt #1 Barton Square Jackson, MO 63755 Phone: 573-204-2941 Fax: 573-204-2949 Email: <a href="mailto:capecoeoc@clas.net">capecoeoc@clas.net</a>	<b>CARROLL COUNTY LEPC</b> Joe Arnold Carroll Co Sheriff's Office 106 S Folger Carrollton, MO 64633 Phone: 660-542-2200 Fax: 660-542-1539 Email: <a href="mailto:joe.arnold@mchsi.com">joe.arnold@mchsi.com</a>	<b>CARTER COUNTY LEPC</b> Ken Sanchez PO Box 666 VanBuren, MO 63965 Phone: 573-323-8107 Fax: 573-323-4527 Email: <a href="mailto:cclpec45@hotmail.com">cclpec45@hotmail.com</a>
<b>CASS COUNTY LEPC</b> Erin E.S. Lynch Mid-America LEPD Rivergate Center 600 Broadway, Suite 300 Kansas City, MO 64105 Phone: 816-474-4240 x490 Fax: 816-421-7758 Email: <a href="mailto:elynych@marc.org">elynych@marc.org</a> Website: <a href="http://www.marc.org/emergency/lepc.htm">www.marc.org/emergency/lepc.htm</a>	<b>CEDAR COUNTY LEPC</b> Jesse D Taylor 18225 E 1600 Rd Stockton, MO 65785 Phone: 417-276-6700x223 Fax: 417-276-3461 Email: <a href="mailto:jessedt@alltel.net">jessedt@alltel.net</a>	<b>CHARITON COUNTY LEPC</b> Brad Morrison 307 S Cherry St Keytesville, MO 65261 Phone: 660-288-3277 Fax: 660-288-3612 Email: <a href="mailto:brm641@yahoo.com">brm641@yahoo.com</a>
<b>CHRISTIAN COUNTY LEPC</b> Phil Amtower 100 W. Church, Rm 100 Ozark, MO 65721 Phone: 417-581-2126 Fax: 417-581-2368 Website: <a href="http://www.members.aol.com/phila69682/lepc.htm">www.members.aol.com/phila69682/lepc.htm</a> Email: <a href="mailto:phila69682@aol.com">phila69682@aol.com</a>	<b>CLARK COUNTY LEPC</b> C. W. Higbee Clark Co. Courthouse 111 E Court St., Suite 4 Kahoka, MO 63445 Phone: 660-727-3283 Fax: 660-727-1051 Email: <a href="mailto:jjclar@sospublicmail.state.mo.us">jjclar@sospublicmail.state.mo.us</a>	<b>CLAY COUNTY LEPC</b> Erin E.S. Lynch Mid-America LEPD Rivergate Center 600 Broadway, Suite 300 Kansas City, MO 64105 Phone: 816-474-4240 x490 Fax: 816-421-7758 Email: <a href="mailto:elynych@marc.org">elynych@marc.org</a> Website: <a href="http://www.marc.org/emergency/lepc.htm">www.marc.org/emergency/lepc.htm</a>

<b>CLINTON COUNTY LEPC</b> Arthur McCarthy 106 Bush St Plattsburg, MO 64477 Phone: 816-539-2156 Fax: 816-539-3306 Email: <a href="mailto:mccara@isotechnetworks.net">mccara@isotechnetworks.net</a>	<b>COLE COUNTY LEPC</b> Susan Green 301 E. High St Jefferson City, MO 65101 Phone: 634-9146 Fax: 573-634-8031 Email: <a href="mailto:sugreen@computerland.net">sugreen@computerland.net</a>	<b>COOPER COUNTY LEPC</b> Thomas White 200 Main St, Suite 911 Boonville, MO 65233 Phone: 660-882-2614 Fax: 660-882-2610 Website: <a href="http://www.mo-river.net/community/ema/cooper/lepc/lepc.htm">www.mo-river.net/community/ema/cooper/lepc/lepc.htm</a> Email: <a href="mailto:ema@classicnet.net">ema@classicnet.net</a>
<b>CRAWFORD COUNTY LEPC</b> Meramec Regional LEPCD Tammy Snodgrass #4 Industrial Drive St. James, MO 65559 Phone: 573-265-2993 Email: <a href="mailto:tsnodgrass@meramecregion.org">tsnodgrass@meramecregion.org</a>	<b>DADE COUNTY LEPC</b> Bob Kitsmiller PO Box 3 Arcola, MO 65603 Phone: 417-424-3239 Fax: 417-424-3260 Email: <a href="mailto:kitsmiller.prod@usa.net">kitsmiller.prod@usa.net</a>	<b>DALLAS COUNTY LEPC</b> Terry A. Lane 101 Deer Run Drive PO Box 1520 Buffalo, MO 65622 Phone: 417-345-2263 Fax: 417-345-1626 Email: <a href="mailto:em@dallascomo911.us">em@dallascomo911.us</a>
<b>DAVIESS COUNTY LEPC</b> David Holcomb 102 N. Main Gallatin, MO 64640 Phone: 660-663-2641 Fax: 660-663-3376 Email: <a href="mailto:davieess@sos.mo.gov">davieess@sos.mo.gov</a>	<b>DEKALB COUNTY LEPC</b> Wayne Ford 811 Main, PO Box 194 Stewartsville, MO 64490 Phone: 816-724-1527 Fax: 816-669-3642 Email: <a href="mailto:gwf609@yahoo.com">gwf609@yahoo.com</a>	<b>DENT COUNTY LEPC</b> Meramec Regional LEPCD Tammy Snodgrass #4 Industrial Drive St. James, MO 65559 Phone: 573-265-2993 Email: <a href="mailto:tsnodgrass@meramecregion.org">tsnodgrass@meramecregion.org</a>
<b>DOUGLAS COUNTY LEPC</b> Ron Tost PO Box 398 Ava, MO 65608 Phone: 417-683-3315 Fax: 417-683-3315 Email: <a href="mailto:ematost@yahoo.com">ematost@yahoo.com</a>	<b>DUNKLIN COUNTY LEPC</b> Bootheel LEPCD Bill Pippens, Jr. 512 Cooper St., PO Box 634 Dexter, MO 63841 Phone: 573-624-4104 Fax: 573-624-6159 Email: <a href="mailto:e911@stoddems.com">e911@stoddems.com</a>	<b>FRANKLIN COUNTY LEPC</b> Gerald D. Goff #1 Bruns Lane Union, MO 63084 Phone: 636-583-1679 Fax: 636-583-2560 Email: <a href="mailto:fcema@yhti.net">fcema@yhti.net</a> Website: <a href="http://www.yhti.net/~fcema">www.yhti.net/~fcema</a>
<b>GASCONADE COUNTY LEPC</b> Meramec Regional LEPCD Tammy Snodgrass #4 Industrial Drive St. James, MO 65559 Phone: 573-265-2993 Email: <a href="mailto:tsnodgrass@meramecregion.org">tsnodgrass@meramecregion.org</a>	<b>GENTRY COUNTY LEPC</b> Dan Bush 107 N. 13th St. Albany, MO 64402 Phone: 660-726-3671 Email: <a href="mailto:bushd@ponyexpress.net">bushd@ponyexpress.net</a>	<b>GREENE COUNTY LEPC</b> Ryan Nichols 833 N. Boonville Springfield, MO 65802 Phone: 417-869-6040 Fax: 417-869-6654 Email: <a href="mailto:nicholls@greencountymo.org">nicholls@greencountymo.org</a>
<b>GRUNDY COUNTY LEPC</b> John Beier 1100 Main St., PO Box 108 Trenton, MO 64683 Phone: 660-359-4310 Fax: 660-359-6959 Email: <a href="mailto:johnbce@trentonmo.com">johnbce@trentonmo.com</a>	<b>HARRISON COUNTY LEPC</b> Phillip Martz LEPC Chairman/EMD PO Box 93 Bethany, MO 64424 Phone: 660-425-6790 Fax: 660-425-6806 Email: <a href="mailto:gimartz@grm.net">gimartz@grm.net</a>	<b>HENRY COUNTY LEPC</b> Robert Easton Henry County Courthouse Clinton, MO 64735 Phone: 660-885-4920 Fax: 660-885-5090 Email: <a href="mailto:bobeaston@earthlink.net">bobeaston@earthlink.net</a>
<b>HICKORY COUNTY LEPC</b> Lance Hutton PO Box 3 Hermitage, MO 65668 Phone: 417-745-6450 Fax: 417-745-6057 Email: <a href="mailto:HuttonRL@hotmail.com">HuttonRL@hotmail.com</a>	<b>HOLT COUNTY LEPC</b> Larry Cotton PO Box 345 Oregon, MO 64473 Phone: 660-446-2008 Email: <a href="mailto:jiholt@sospublicmail.state.mo.us">jiholt@sospublicmail.state.mo.us</a>	<b>HOWARD COUNTY LEPC</b> Robert Lang 600 W. Morrison Fayette, MO 65248 Phone: 660-248-1111 Email: <a href="mailto:hocoema@wireless-options.com">hocoema@wireless-options.com</a>
<b>HOWELL COUNTY LEPC</b> Howell-Oregon LEPCD Lloyd Finklea PO Box 763 West Plains, MO 65775 Phone: 417-256-8848	<b>IRON COUNTY LEPC</b> SEMO Regional LEPCD Dave Hitt #1 Barton Square Jackson, MO 63755 Phone: 573-204-2941 Fax: 573-204-2949 Email: <a href="mailto:capecoecoc@clas.net">capecoecoc@clas.net</a>	<b>JACKSON COUNTY LEPC</b> Erin E.S. Lynch Mid-America LEPCD Rivergate Center 600 Broadway, Suite 300 Kansas City, MO 64105 Phone: 816-474-4240 x490 Fax: 816-421-7758 Email: <a href="mailto:elynych@marc.org">elynych@marc.org</a> Website: <a href="http://www.marc.org/emergency/lepc.htm">www.marc.org/emergency/lepc.htm</a>
<b>JASPER COUNTY LEPC</b> John Cooper 401 W Chestnut Carthage, MO 64836 Phone: 417-237-7102 Email: <a href="mailto:fire61@ecarthage.com">fire61@ecarthage.com</a>	<b>JEFFERSON COUNTY LEPC</b> Judy Tufts PO Box 100 Hillsboro, MO 63050 Phone: 636-282-1010x250 Fax: 636-282-2525 Email: <a href="mailto:tufts@lpha.dhss.mo.gov">tufts@lpha.dhss.mo.gov</a>	<b>JOHNSON COUNTY LEPC</b> Doyle Oxley PO Box 120 Warrensburg, MO 64093 Phone: 660-747-2666 Email: <a href="mailto:jocolepc@charterinternet.com">jocolepc@charterinternet.com</a>
<b>KNOX COUNTY LEPC</b> Jim Robertson RR 1 Box 91 Rutledge, MO 63563 Phone: 660-397-2372 Fax: 660-397-2642 Email: <a href="mailto:jer08109@marktwain.net">jer08109@marktwain.net</a>	<b>LACLEDE COUNTY LEPC</b> Jonathan Ayres 200 N. Adams St Lebanon, MO 65536 Phone: 417-532-6992 Fax: 417-588-7976 Email: <a href="mailto:jayres@lacledeoem.net">jayres@lacledeoem.net</a>	<b>LAFAYETTE COUNTY LEPC</b> Bob Florence 1001 Main Lexington, MO 64067 Phone: 660-259-6551 Email: <a href="mailto:lafema@iland.net">lafema@iland.net</a>

<b>LAWRENCE COUNTY LEPC</b> Barry-Lawrence LEPD Dave Compton PO Box 458 Monett, MO 65708-0458 Phone: 417-235-0200 Email: <a href="mailto:lepc@mo-net.com">lepc@mo-net.com</a>	<b>LEWIS COUNTY LEPC</b> David Keith 300 North Highland, PO Box 404 Ewing, MO 63440 Phone: 573-209-3293 Email: <a href="mailto:klelec@marktwain.net">klelec@marktwain.net</a>	<b>LINCOLN COUNTY LEPC</b> Kelly Hardcastle 200 Oak St Troy, MO 63379 Phone: 636-528-6182 Fax: 636-528-7010 Email: <a href="mailto:services@lcmo.us">services@lcmo.us</a>
<b>LINN COUNTY LEPC</b> Greg Williams 116 West Brooks Brookfield, MO 64628 Phone: 660-258-5300 Email: <a href="mailto:greg_codeofficer@yahoo.com">greg_codeofficer@yahoo.com</a>	<b>LIVINGSTON COUNTY LEPC</b> Eva Danner 700 Webster Street Chillicothe, MO 64601 Phone: 660-646-2200 Fax: 660-646-6139 Email: <a href="mailto:edanner@greenhills.net">edanner@greenhills.net</a>	<b>MACON COUNTY LEPC</b> Ruth Brock 1205 North Missouri St. Macon, MO 63552 Phone: 660-385-8724x8550 Fax: 660-651-5189 Email: <a href="mailto:infectioncontrol@samaritanhospital.net">infectioncontrol@samaritanhospital.net</a>
<b>MADISON COUNTY LEPC</b> SEMO Regional LEPD Dave Hitt #1 Barton Square Jackson, MO 63755 Phone: 573-204-2941 Fax: 573-204-2949 Email: <a href="mailto:capecoeoc@clas.net">capecoeoc@clas.net</a>	<b>MARIES COUNTY LEPC</b> Meramec Regional LEPD Tammy Snodgrass #4 Industrial Drive St. James, MO 65559 Phone: 573-265-2993 Email: <a href="mailto:tsnodgrass@meramecregion.org">tsnodgrass@meramecregion.org</a>	<b>MARION COUNTY LEPC</b> Marion/Ralls LEPC Teya Stice 100 South Main Palmyra, MO 63461 Phone: 573-769-5545 Email: <a href="mailto:mccordinator@centurytel.net">mccordinator@centurytel.net</a>
<b>MCDONALD COUNTY LEPC</b> Michael Hall McDonald County Courthouse PO Box 665 Pineville, MO 64856 Phone: 417-223-4318 Fax: 417-223-2331 Email: <a href="mailto:radar24mo@hotmail.com">radar24mo@hotmail.com</a>	<b>MERCER COUNTY LEPC</b> Tony Johnson Mercer County Courthouse 802 Main Princeton, MO 64673 Phone: 660-748-3606 Fax: 660-748-3634 Email: <a href="mailto:delamc@lpha.health.state.mo.us">delamc@lpha.health.state.mo.us</a>	<b>MILLER COUNTY LEPC</b> Barlow Biggers PO Box 12 Tuscumbia, MO 65082 Phone: 573-369-1880 Fax: 573-369-1905 Email: <a href="mailto:biggie1124@socket.net">biggie1124@socket.net</a>
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Last Updated: 09/19/2006

# ***LOCAL EMERGENCY PLANNING COMMITTEE***

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## **COMPOSITION AND RESPONSIBILITIES ACCORDING THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986 (also known as TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT)**

1. Each Local Emergency Planning Committee (LEPC) shall (according to the Act) include, at a minimum, representatives from each of the following groups or organizations:

! elected state and local officials	! local environmental
! law enforcement	! hospital
! emergency management	! transportation
! fire fighting	! broadcast and print media
! first aid	! community groups
! health	! owners and operators of covered facilities
2. The LEPC shall:
  - ! appoint a chairperson
  - ! establish rules for the committee to operate by including provisions for:
    - public notification of committee activities
    - response to public comments
    - distribution of the emergency plan
  - ! establish procedures for receiving information
  - ! establish procedures for processing requests from the public
  - ! designate a person to serve as a coordinator for information
3. The LEPC should have completed a comprehensive plan as of October 17, 1988 and shall:
  - ! review their plan annually
  - ! evaluate the need for resources to develop, implement and exercise the emergency plan
  - ! make recommendations with respect to additional resources that may be required and the means for providing such additional resources
  - ! The LEPC shall submit a copy of the plan to the MERC for review. Note: Each plan shall include the following:
    - identification of facilities and transportation routes of extremely hazardous substances
    - identification of possible impacted facilities (hospitals, schools, manufacturers, etc.)
    - methods and procedures to be used by plant operators and local response officials to respond to chemical releases from the covered facilities
    - designation of local emergency and facility coordinators
    - notification and communication procedures
    - methods for determining the occurrence of a release and the impacted area
    - identification of emergency equipment and persons responsible for equipment
    - evacuation plans
    - training plans
    - schedule and method for exercising the emergency plan
4. The LEPC receives emergency notifications of chemical releases under Section 11004

*(previously Section 304)* from facilities and transporters.

5. The LEPC receives Section 11021 *(previously Section 311)* notices (chemical safety information) and revisions from companies that have materials for which OSHA requires Material Safety Data Sheets (MSDS). The fire department also receives these notices (Tier II form). If the LEPC receives a Tier II, it can request the MSDS for any of the listed materials. Also, the LEPC shall provide the public a copy of any MSDS on request. If the LEPC does not have the MSDS, it should be requested from the facility and then provided to the requestor.
6. The LEPC receives Emergency Hazardous Chemical Inventory Forms under Section 11022 *(previously Section 312)* of the Act from facilities. This information includes estimated amounts of chemical (by category) present at the facility during the preceding year, the average daily amount of chemicals in each category, and the general location of the chemicals.
7. The LEPC must publish information annually to let the public know where and during what hours information on the following is available: emergency response plans, chemical lists, inventory forms, toxic release forms, and follow-up emergency notices.

***Missouri Emergency Response Commission  
State Emergency Management Agency  
P.O. Box 3133  
Jefferson City, Missouri 65102  
800-780-1014  
573-526-9100  
573-526-9261 - Fax  
<http://www.sema.state.mo.us/mercc.htm>***

## **GUIDELINES FOR GRANTING LEPC CHANGE REQUESTS**



1. Individual Jurisdiction to JOIN Multi-County LEPC
  - a) A written request and justification for the change shall be provided to the commission by the highest elected local official of the requesting jurisdiction. An explanation of how the existing LEPCs and LEPDs will be integrated should be included.
  - b) A letter from the multi-county LEPC indicating their concurrence will accompany the request.
  - c) Each covered facility within the joining county must be notified of the new address for the LEPC by either the joining county or the multi-county LEPC following commission approval of the new LEPC.
  - d) The single county LEPC must forward copies of the information from reporting facilities to the multi-county LEPC.
2. Individual Jurisdiction to WITHDRAW from a Multi-County LEPC.
  - a) A written request and a reasonable explanation of the need for the change shall be provided to the commission by the highest elected local official in the requesting jurisdiction. An explanation of how the division of the LEPC would be accomplished should be included.
  - b) A letter from the jurisdiction to the multi-county LEPC notifying the multi-county district of the proposed change must accompany the request. Comments from the multi-county LEPC will be considered by the commission.
  - c) Prior to approval of such a request, the county shall provide the commission with LEPC nominations that meet EPCRA requirements and a schedule for completing a Local Emergency Plan.
  - d) The commission may give conditional approval to an LEPC change request based on the scheduled completion of a Local Emergency Plan by the county.
  - e) The requesting county shall provide written notice to each of the facilities upon approval of the requested change.
  - f) Information and reports from reporting facilities will be forwarded to the single county LEPC from the multi-county LEPC on approval of the change request.
3. The commission can approve, disapprove, defer action or request additional information regarding any proposed LEPC change.

# Missouri Emergency Response Commission

## HOW TO COMPLY WITH THE EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

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EPCRA, also known as SARA Title III, is the short name for the federal “Emergency Planning and Community Right-to-Know Act” of 1986. The four main provisions of the act require states, communities, and businesses to work together on emergency plans for accidental chemical releases, emergency notification procedures, toxic emissions reporting, and compiling an inventory of hazardous chemicals for planning and public review.

You may obtain general information, reporting forms, lists of hazardous substances and information about Local Emergency Planning Committees by writing the Missouri Emergency Response Commission (MERC), P.O. Box 3133, Jefferson City, MO 65102; or by calling 800-780-1014.

### NOTE:

The Missouri’s Community Right-to-Know law applies to “every employer” who exceeds the thresholds for hazardous substances (see Section 311, 312 on the back). Under the Missouri Law, employers must provide a list of MSDS chemicals on a Tier II form, to the Local Emergency Planning Committee, the local fire department, and the Missouri Emergency Response Commission. If you have already submitted this information under the federal law, you do not have to submit it again to comply with the state law. The state law does apply to state and local governments.

In addition, the Missouri law contains special reporting requirements for 100 lbs. of explosives and blasting agents on site. Also, state law requires markings on buildings, rooms and containers where hazardous chemicals are present. These markings are to conform with the NFPA 704 standard.

Reports required under Missouri’s law should be submitted on the MERC Tier II form. To obtain the form, call 800-780-1014. The deadlines for the following information were included in the federal law. If you have missed a deadline, submit the information as soon as possible.

### EPCRA Section 302: EMERGENCY PLANNING

WHO’S COVERED	WHEN	HOW TO COMPLY
Any facility, business, or individual that has an “extremely hazardous substance” in an amount exceeding the “threshold planning quantity”.	Within 60 days of being on site	<ul style="list-style-type: none"><li>* Obtain the list of “Extremely Hazardous Substances” (40 CFR Parts 300 and 355).</li><li>* Determine if you have any of these substances in an amount greater than the threshold planning quantity (TPQ).</li><li>* Provide a completed MERC Tier II form listing the extremely hazardous substances that you have at your facility. Be sure to mark the “Extremely Hazardous Substances” box for each of these chemicals.</li></ul>

### EPCRA Section 303: FACILITY COORDINATORS

WHO’S COVERED	WHEN	HOW TO COMPLY
Any facility, business, or individual that has an “extremely hazardous substance” in an amount exceeding the “threshold planning quantity.”	Within 30 days of being on site	<ul style="list-style-type: none"><li>* Obtain the list of “Extremely Hazardous Substances” (40 CFR Parts 300 and 355).</li><li>* Determine if you have any of these substances in an amount greater than the threshold planning quantity (TPQ).</li><li>* Provide a completed MERC Tier II form listing the extremely hazardous substances that you have at your facility. Be sure to mark the “Extremely Hazardous Substance” box for each of these chemicals.</li><li>* Owner or operator of facility shall designate a facility representative who will participate in the local planning process as a facility emergency response coordinator. (40 CFR Part 355.30)</li></ul>

## EPCRA Section 304: ACCIDENTAL RELEASES

WHO'S COVERED	WHEN	HOW TO COMPLY
Any facility where an "extremely hazardous substance" is released in excess of the reportable quantity (RQ); any facility where a hazardous substance on the Superfund (CERCLA) list is released in excess of the reportable quantity.	As soon as possible	<ul style="list-style-type: none"><li>* Call the state's official 24-hour number staffed by MDNR 573-634-2436.</li><li>* Notify your LEPC or the appropriate response agency.</li><li>* Call the National Response Center 1-800-424-8802.</li><li>* Provide as much information as possible when making phone notifications.</li><li>* Follow-up with a written report on response measures taken, on health risk information. Report should be sent to the MERC and your Local Emergency Planning Committee.</li><li>* 40 CFR Part 355, 10 CSR 24-3.010.</li></ul>

## EPCRA Section 311, 312: CHEMICAL INVENTORY/TIER II

WHO'S COVERED	WHEN	HOW TO COMPLY
All facilities that have more than 10,000 pounds of "hazardous chemicals" for which a MSDS is required under the OSHA hazard communication standard; or facilities that have more than 500 pounds or the threshold planning quantity of the EPCRA "extremely hazardous substances." Also, more than 100 pounds of explosive or blasting agents.  (Under EPCRA sections 311 and 312, the LEPC, fire department or state commission can request additional information, even for quantities of hazardous substances below the reporting threshold).	March 1 of each year	<ul style="list-style-type: none"><li>* Find out which chemicals you currently have a MSDS for, and determine if you had more than 10,000 pounds of these substances on hand at any one time from January through December of the preceding year.</li><li>* obtain the EPCRA list of "Extremely Hazardous Substances" and determine if you had more than 500 pounds or the threshold planning quantity of these substances on hand at any time from January through December of the preceding year.</li><li>* Complete a MERC Tier II reporting form. Submit this form to the commission, local committee, and local fire department.</li><li>* Updating this information must take place within three months of obtaining a hazardous chemicals or extremely hazardous substances in reportable amounts.</li><li>* 40 CFR Part 370, 11 CSR 40-4.040.</li></ul>

## EPCRA Section 313: TOXIC EMISSIONS

WHO'S COVERED	WHEN	HOW TO COMPLY
Facilities in Standard Industrial Classification Codes 20-39, with more than 10 employees, that have manufactured, processed, or otherwise used "toxic chemicals" in excess of the threshold quantities.	July 1 of each year	<ul style="list-style-type: none"><li>* Obtain the "Toxic Substance List" (Federal Register, 40 CFR, Part 372), and determine if your facility manufactured or processed more than 25,000 pounds of any "toxic chemical" during the calendar year. In addition, determine if your facility otherwise used more than 10,000 pounds of any "toxic chemical" in any year.</li><li>* Submit Form R to the Missouri Department of Natural Resources, Technical Assistance Program, P.O. Box 176, Jefferson City, MO 65102, 573-526-6627.</li><li>* Submit Form R to the USEPA, EPCRA Reporting Center, Toxic Chemical Release Inventory, P. O. Box 3348, Merrifield, VA 22116-3348.</li><li>* Obtain additional information concerning Form R, Section 313 by contacting MDNR at the above address.</li></ul>

Revised 5/26/99

# Rules of

# Department of Public Safety

## Division 10—Adjutant General

## Chapter 11—State Emergency Management Agency

Title	Page
11 CSR 10-11.010 Emergency Operations Plan (State).....	3
11 CSR 10-11.020 Resources Management Plan (State).....	3
11 CSR 10-11.030 Federal Financial Assistance (Rescinded May 15, 1983) .....	3
11 CSR 10-11.040 Missouri Disaster Fund.....	3
11 CSR 10-11.050 Definitions .....	4
11 CSR 10-11.060 State Agency Reimbursement.....	4
11 CSR 10-11.070 Political Subdivision Assistance.....	4
11 CSR 10-11.080 Individual Assistance.....	4
11 CSR 10-11.090 Procedures for Submitting Requests.....	4
11 CSR 10-11.100 Major Disasters, Presidentially Declared.....	5
11 CSR 10-11.110 Limitations.....	5
11 CSR 10-11.120 Volunteer Inspectors Administrative Plan (State).....	5
11 CSR 10-11.210 General Organization Missouri Emergency Response Commission.....	5
11 CSR 10-11.220 Definitions .....	6
11 CSR 10-11.230 Emergency Notification of Releases of Hazardous Substances and Extremely Hazardous Substances .....	7
11 CSR 10-11.240 Reporting Procedures Under the State and Federal Emergency Planning and Community Right-to-Know Act (EPCRA) .....	8
11 CSR 10-11.250 Hazardous Chemical Fees .....	8

## Title 11—DEPARTMENT OF PUBLIC SAFETY

### Division 10—Adjutant General Chapter 11—State Emergency Management Agency

#### 11 CSR 10-11.010 Emergency Operations Plan (State)

**PURPOSE:** *The State Emergency Management Agency, office of the adjutant general has the authority to establish a plan to organize the state government in order to respond in an emergency and to provide guidance to state agencies and local political subdivisions in the preparation of disaster plans of their own as required by sections 44.010 and 44.090, RSMo.*

**Editor's Note:** *The following material is incorporated into this rule by reference:*

1) *State of Missouri Emergency Operations Plan* (Jefferson City, MO: Missouri State Emergency Management Agency, January 1995).

*In accordance with section 536.031(4), RSMo, the full text of material incorporated by reference will be made available to any interested person at the Office of the Secretary of State and the headquarters of the adopting state agency.*

(1) The purpose of the Emergency Operations Plan is to plan for those functions this office is required to prepare for and for actions needed to prevent, minimize and repair injury and damage due to disasters or emergencies which may result from sabotage or other hostile action, or from fire, flood, earthquake or other natural or man-made causes, other than functions for which military forces are primarily responsible.

**AUTHORITY:** *sections 44.010 to 44.130, RSMo 1994.\* Original rule filed Sept. 10, 1969, effective Sept. 20, 1969. Amended: Filed Feb. 4, 1983, effective May 15, 1983. Filed Jan. 9, 1996, effective July 30, 1996.*

\*Original authority may be found in the Revised Statutes of Missouri (1994).

**Op. Atty. Gen. No. 58, Wilson (3-14-79).** *Irrespective of the number or contiguity, counties may, by county court order duly made and entered, participate in cooperative agreements under article VI, section 16 of the Missouri Constitution and sections 70.210, RSMo, respecting the establishment of a common disaster planning program required by section 44.080, RSMo, and may share the cost of the disaster planning office, director and staff thus established.*

**Op. Atty. Gen. No. 6, Weier (5-13-70).** *When the citizens of a county are threatened by a disaster, the county court has the authority to activate the county's civil defense personnel without requesting authority from the governor; the persons so activated have all rights, duties and responsibilities granted them under Chapter 44, RSMo (1969) and by the rules thereunder.*

**Op. Atty. Gen. No. 73, Antoine (8-1-68).** *The Missouri Civil Defense Act (Chapter 44, RSMo) envisions autonomous local civil defense organization in those political subdivisions defined by the law. Therefore, the county civil defense agency has duties and responsibilities only within the areas of the county lying outside any of the statutorily defined political subdivisions having their own local organization for disaster planning.*

**Op. Atty. Gen. No. 58, McDaniel (11-14-53).** *The same rules of negligence are applicable to volunteer participants in the civil defense program as are applied to private individuals in the conduct of their daily affairs, however no liability would be imposed upon such volunteers who, in the exercise of due care, cause damage to property under a lawful order issued by some authority constituted under the Civil Defense Law to act in time of emergency.*

#### 11 CSR 10-11.020 Resources Management Plan (State)

**PURPOSE:** *The State Emergency Management Agency, office of the adjutant general has the authority to establish a plan for emergency management of resources as required by section 44.010, RSMo.*

**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

(1) The Resources Management Plan contains plans for emergency management of re-

sources and administration of economic controls as may be needed to provide for the welfare of the people either on order of or at the request of the federal government or in the event the federal government is incapable of administering control.

**AUTHORITY:** *sections 44.010 to 44.130, RSMo 1986.\* Original rule filed Dec. 20, 1966, effective Dec. 30, 1966. Amended: Filed March 20, 1968, effective March 30, 1968. Amended: Filed Oct. 29, 1970, effective Nov. 8, 1970. Amended: Filed Jan. 26, 1971, effective Feb. 5, 1971. Amended: Filed March 25, 1971, effective April 4, 1971. Amended: Filed July 6, 1971, effective July 16, 1971. Amended: Filed Nov. 5, 1971, effective Nov. 15, 1971. Amended: Filed Feb. 22, 1972, effective March 4, 1972. Amended: Filed May 10, 1973, effective May 20, 1973. Amended: Filed Jan. 25, 1974, effective Feb. 4, 1974. Amended: Filed April 8, 1974, effective April 18, 1974. Amended: Filed Nov. 29, 1974, effective Dec. 9, 1974. Amended: Filed Feb. 7, 1983, effective May 15, 1983.*

\*Original authority may be found in the Revised Statutes of Missouri 1986 and Cumulative Supplement 1993.

#### 11 CSR 10-11.030 Federal Financial Assistance

(Rescinded May 15, 1983)

#### 11 CSR 10-11.040 Missouri Disaster Fund

**PURPOSE:** *This rule establishes definitions, eligibility and procedures for providing assistance to state agencies, political subdivisions and individuals who have suffered losses resulting from disaster which has imposed a severe financial burden and imposes a hardship which exceeds ordinary or expected impact on their capacity to restore basic/essential services or materials needed for essential functions. Assistance will be limited to the availability of funds and will not be a duplicate of any other assistance available from any other source.*

(1) Amount of the fund will be established by appropriation of the legislature each year.

(2) The funds appropriated shall be expended during a state emergency at the direction of the governor.

(3) The director of the State Emergency Management Agency shall administer the fund.



*AUTHORITY: section 44.032, RSMo 1986.\* Original rule filed Jan. 6, 1986, effective April 14, 1986.*

*\*Original authority: 44.032, RSMo 1985*

## 11 CSR 10-11.050 Definitions

*PURPOSE: This rule establishes definitions of terminology used in the Missouri Disaster Fund Rules.*

(1) In addition to the definitions in chapter 44, RSMo the following terms are defined:

(A) Missouri Disaster Fund. The Missouri Disaster Fund is created to provide a source of assistance from which expenditures may be made to assist state agencies, political subdivisions and individuals to provide immediate aid and relief when disaster occurs which is beyond available resource capability. The fund is limited to appropriations by the legislature and to the approval of the governor of the state of Missouri subject to the eligibility of applicants as established by these rules;

(B) State department or agency. State agency is defined as being a department, division or agency which has extraordinary or excess expense to respond to disaster assistance requests by the governor to alleviate or mitigate the effects or disaster occurrence declared by the governor of Missouri in accordance with Chapter 44, RSMo;

(C) Political subdivision. A legally designated subdivision of the state of Missouri in accordance with Chapter 44, RSMo;

(D) Individual. A family or person who has suffered uninsured losses which are unusual or excessive and are a direct result of disaster beyond the control or expectations of normal losses; and

(E) Governor's declaration of emergency. When the governor declares a state of emergency, s/he will establish the area affected and set forth the type of emergency. S/he shall also state that the emergency requires the expenditure of public funds to furnish immediate aid and relief and direct the State Emergency Management Agency to administer the fund in accordance with established rules.

*AUTHORITY: section 44.032, RSMo 1986.\* Original rule filed Jan. 6, 1986, effective April 14, 1986.*

*\*Original authority: 44.032, RSMo 1985.*

## 11 CSR 10-11.060 State Agency Reimbursement

*PURPOSE: This rule outlines eligibility of state agencies for reimbursement of disaster-related expenses.*

(1) When a disaster or emergency has been declared by the governor a state department or agency which is requested to provide services to the State Emergency Management Agency or to a political subdivision for disaster relief purposes may be reimbursed. Reimbursement will be from the Missouri Disaster Fund for actual and necessary expenses for emergency services provided which are in excess of normal expenses for response services. Terms and conditions are subject to approval of the director of the State Emergency Management Agency and to the availability of funds.

*AUTHORITY: section 44.032, RSMo 1986.\* Original rule filed Jan. 6, 1986, effective April 14, 1986.*

*\*Original authority: 44.032, RSMo 1985.*

## 11 CSR 10-11.070 Political Subdivision Assistance

*PURPOSE: This rule establishes the eligibility of political subdivisions for assistance of disaster expenses from the Missouri Disaster Fund.*

(1) When estimated repair or replacement costs to damaged or destroyed public property infrastructure exceed the reserve capacity of the subdivision, then assistance from the emergency fund may be made available for approved losses and within established limitations.

(2) Inspections and estimates of eligible losses shall be made and determined by state agency personnel having qualifications and expertise.

*AUTHORITY: section 44.032, RSMo 1986.\* Original rule filed Jan. 6, 1986, effective April 14, 1986. Amended: Filed March 20, 1989, effective June 29, 1989.*

*\*Original authority: 44.032, 1985.*

## 11 CSR 10-11.080 Individual Assistance

*PURPOSE: This rule establishes eligibility of individuals to receive assistance for unin-*

*sured losses resulting from disaster-related damages.*

(1) When an individual or a family suffers losses of basic needs or have necessary expenses which are uninsured and when assistance is not available from volunteer agencies or any other source they may apply for help from the Missouri Disaster Fund.

(2) The losses or needs must be verified and the application for assistance approved by the State Emergency Management Agency.

(3) Assistance will be provided when funds are available for essential repairs items of equipment, supplies or services necessary to reestablish the household, as determined by the director of the State Emergency Management Agency, and will not exceed one thousand dollars (\$1,000) for each eligible applicant.

*AUTHORITY: section 44.032, RSMo 1986.\* Original rule filed Jan. 6, 1986, effective April 14, 1986. Amended: Filed March 20, 1989, effective June 29, 1989.*

*\*Original authority: 44.032, RSMo 1985.*

## 11 CSR 10-11.090 Procedures for Submitting Requests

*PURPOSE: This rule establishes procedures which shall be followed to apply for assistance by state agencies, political subdivisions and individuals to receive assistance from the Missouri Disaster Fund.*

(1) All requests for assistance from the fund shall be submitted, in writing, by the state agency or department director or chief executive officer of the political subdivision or by the individual through the State Emergency Management Agency using the forms prescribed. The requests will be subject to approval by the governor and to the review of the state director of the State Emergency Management Agency before payment will be made. Payments are subject to verification and audit. If assistance is provided from other sources, the state shall be reimbursed for those items. In all cases the director of the State Emergency Management Agency has ultimate authority and responsibility for reimbursement.

*AUTHORITY: section 44.032, RSMo 1986.\* Original rule filed Jan. 6, 1986, effective April 14, 1986. Amended: Filed March 20, 1989, effective June 29, 1989.*

*\*Original authority: 44.032, RSMo 1985.*

### 11 CSR 10-11.100 Major Disasters, Presidentially Declared

**PURPOSE:** *This rule clarifies and differentiate assistance from the Missouri Disaster Fund and federal assistance which may be available when a federal disaster is declared.*

(1) The Missouri Disaster Fund is not intended to replace federal disaster assistance under Public Law 93-288 which may be available when major disasters occur and which provides a wide range of assistance in accordance with federal regulations. The Missouri Disaster Fund is enacted to provide relief for political subdivisions and individuals when the magnitude and impact of disaster is below the level of eligibility for application to the federal government for a major disaster declaration but which would have a severe impact to a community or to individuals.

**AUTHORITY:** *section 44.032, RSMo 1986.\* Original rule filed Jan. 6, 1986, effective April 14, 1986.*

*\*Original authority: 44.032, RSMo 1985.*

### 11 CSR 10-11.110 Limitations

**PURPOSE:** *This rule establishes limits of expenditure from the fund for each disaster declaration or emergency.*

(1) The director of the State Emergency Management Agency shall administer the Missouri Disaster Fund and shall not make any expenditure from the fund in excess of one thousand dollars (\$1,000) unless approved by the governor prior to expenditure. Expenditures shall be for immediate and necessary needs, personnel and/or equipment to reduce the imminent impact of the incident. Expenditures must be documented and will be subject to state audit.

(2) When the Missouri Disaster Fund is depleted, further expenditures will cease until the legislature appropriates additional funds.

**AUTHORITY:** *section 44.032, RSMo 1986.\* Original rule filed Jan. 6, 1986, effective April 14, 1986. Amended: Filed March 20, 1989, effective June 29, 1989.*

*\*Original authority: 44.032, RSMo 1985.*

### 11 CSR 10-11.120 Volunteer Inspectors Administrative Plan (State)

**PURPOSE:** *The State Emergency Management Agency, Office of the Adjutant General has the authority to establish a plan to establish and administer an emergency volunteer program to be activated in the event of a catastrophic earthquake or other natural disaster whereby volunteer architects and professional engineers registered under Chapter 327, RSMo may volunteer their services to determine whether or not buildings have been affected as required by section 44.023, RSMo.*

**PUBLISHER'S NOTE:** *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

(1) The purpose of the administrative plan is to fulfill the requirements of the legislation to establish and administer an emergency volunteer program. These volunteers are to be Missouri registered professional architects and engineers that will be used to assist local officials in the inspection of buildings after the occurrence of an earthquake or other natural disaster. These volunteers will be utilized for a period of three (3) days during which their incidental expenses will be paid by the local jurisdiction. They will have immunity from personal liability except in cases of willful misconduct or gross negligence.

**AUTHORITY:** *section 44.023, RSMo Supp. 1991.\* Original rule filed March 31, 1994, effective Sept. 30, 1994.*

*\*Original authority: 44.023, RSMo 1991.*

### 11 CSR 10-11.210 General Organization Missouri Emergency Response Commission

**PURPOSE:** *This rule explains the formation of the Missouri Emergency Response Commission and its responsibilities under the Emergency Planning and Community Right-*

*to-Know Act. Also explained is how to obtain additional information regarding these activities and where to make submittals.*

(1) The Department of Public Safety is authorized under sections 292.600–292.625, RSMo to administer the state and the federal Emergency Planning and Community Right-to-Know Act (EPCRA). The State Emergency Management Agency (SEMA) has been designated by the Department of Public Safety to provide the day-to-day operation of the EPCRA Program and the Hazardous Materials Emergency Preparedness (HMEP) Program.

(2) The Missouri Emergency Planning and Community Right-to-Know Act (EPCRA) or sections 292.600–292.625, RSMo and the federal EPCRA (P.L. 99-499) are administered in Missouri by the Missouri Department of Public Safety in conjunction with the Missouri Emergency Response Commission (MERC). MERC was first established in 1987 by Executive Order of the Governor and was later established under statute in 1988 and revised in 1992. The commission resides within the Missouri Department of Public Safety. The commission in conjunction with the department is responsible for—

(A) Carrying out the responsibilities assigned under the federal EPCRA and the state Act (sections 292.600–292.625, RSMo);

(B) Designating Local Emergency Planning Districts (LEPD), appointing a Local Emergency Planning Committee (LEPC) to each district; coordinating, supporting and supervising LEPC activities and reviewing and commenting on LEPC plans;

(C) Establishing a single filing point for all state and federal EPCRA information;

(D) Accepting, receiving and administering grants and gifts, including those from the federal government, for carrying out the purposes of the law;

(E) Providing assistance to LEPCs for carrying out responsibilities under the state and federal EPCRA laws;

(F) Providing training to LEPCs and others;

(G) Entering into agreements with other persons or agencies to carry out the requirements of the state and federal EPCRA legislation;

(H) Collecting and allotting funds as specified in sections 292.604 and 292.606, RSMo;

(I) Developing a data management system to store and retrieve EPCRA information. Assisting LEPCs, fire departments and others to make this information readily available for

planning and emergency response purposes; and

(J) In addition to subsections (2)(A)–(J), the director of the Department of Public Safety or authorized representative has the responsibility and authority under sections 292.600–292.625, RSMo to—

1. Promulgate rules to carry out Missouri's EPCRA and to meet the reporting requirements of the federal EPCRA;

2. Exercise general supervision of the administration and enforcement of the state EPCRA and all rules adopted under it;

3. Hire staff, within appropriations, as may be necessary to carry out the provisions of the state EPCRA;

4. Budget and receive appropriated moneys to carry out the state EPCRA;

5. Accept, receive, and administer gifts and grants, including those from the federal government, to carry out the purposes of the state EPCRA;

6. Work with LEPCs to carry out the purposes of the state EPCRA; and

7. Administer the Chemical Emergency Preparedness Fund established in section 292.607, RSMo, in conjunction with the commission.

(3) Information.

(A) Requests for copies of rules, report forms, planning guides, and other EPCRA information may be made to the Missouri Emergency Response Commission, PO Box 3133, Jefferson City, MO 65102.

(B) The EPCRA files, except trade secrets, as provided in section 292.610, RSMo, are public information and are located in the offices of the Missouri Emergency Response Commission, 2302 Militia Dr., Jefferson City, Missouri. Anyone wishing to review information in the EPCRA files is requested to make an appointment by writing to the MERC at the mailing address listed in subsection (3)(A). There is no fee for reviewing file information. There is a copying fee if copies of file information are made and it must be paid by check or money order.

**AUTHORITY:** section 292.613, RSMo 2000. This rule previously filed as 11 CSR 40-4.010. This rule also filed as 10 CSR 24-1.010. Original rule filed Nov. 30, 1983, effective April 12, 1984. Emergency amendment filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 20, 1993. Amended: Filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994. Changed to 11 CSR 10-11.210. Amended: Filed Dec. 19, 2001, effective June 30, 2002.

\*Original authority: 292.613, RSMo 1988, amended 1993, 1995.

## 11 CSR 10-11.220 Definitions

**PURPOSE:** This rule provides definitions for terms used in 11 CSR 10.

(1) Administrator—the administrator of the United States Environmental Protection Agency.

(2) Business—each corporation as defined under Chapter 351, RSMo; each business required to register under Chapter 417, RSMo; each person engaged in or transacting business in Missouri; each department of state government; and each political subdivision of the state.

(3) Commission—the Missouri Emergency Response Commission (MERC) established under section 292.602, RSMo.

(4) Covered facility—any facility required to report to the commission under the state or federal Emergency Planning and Community Right-to-Know Act.

(5) Department—the Department of Public Safety.

(6) Director—director of the Department of Public Safety.

(7) Emergency Planning and Community Right-to-Know Act (EPCRA)—the federal Emergency Planning and Community Right-to-Know Act of 1986 (P.L. 99-499) and all rules promulgated under the federal Act or the Missouri EPCRA (sections 292.600–292.625, RSMo). If not specified as to the federal or state Act, it refers to both.

(8) Employer—a person engaged in business and including the state and any political subdivision.

(9) Extremely hazardous substance—a substance listed under 40 CFR part 355 by the administrator.

(10) Facility—all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and that are owned or operated by the same person (or by any person which controls, is controlled by or under common control with that person). For purposes of emergency release notification, the term includes motor vehicles, rolling stock and aircraft.

(11) Family farm—an unincorporated farming unit owned or leased by one (1) or more persons residing on the farm or actively engaged in farming.

(12) Form R or toxic release inventory—the report form as developed by the administrator to report toxic emissions under Section 313 of the EPCRA.

(13) Hazard category—any of the following:

(A) “Immediate (acute) health hazard,” including “highly toxic,” “toxic,” “irritant,” “sensitizer,” “corrosive,” (as defined under Section 1910.1200 of Title 29 of the *Code of Federal Regulations*) and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short-term exposure and is of short duration;

(B) “Delayed (chronic) health hazard,” including “carcinogens” (as defined under Section 1910.1200 of Title 29 of the *Code of Federal Regulations*) and other hazardous chemicals that cause an adverse effect to a target organ and which effect generally occurs as a result of long-term exposure and is of long duration;

(C) “Fire hazard,” including “flammable,” “combustible liquid,” “pyrophoric” and “oxidizer” (as defined under Section 1910.1200 of Title 29 of the *Code of Federal Regulations*);

(D) “Sudden release of pressure,” including “explosive” and “compressed gas” (as defined under Section 1910.1200 of Title 29 of the *Code of Federal Regulations*); and

(E) “Reactive,” including “unstable reactive,” “organic peroxide” and “water reactive” (as defined under Section 1910.1200 of Title 29 of the *Code of Federal Regulations*).

(14) Hazardous chemical—any hazardous chemical as defined under Section 1910.1200(c) of Title 29 of the *Code of Federal Regulations*, that term does not include the following substances:

(A) Any food, food additive, color additive, drug or cosmetic regulated by the Food and Drug Administration;

(B) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use;

(C) Any substance to the extent it is used for personal, family or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public;

(D) Any substance to the extent it is used in a research laboratory or a hospital or other

medical facility under the direct supervision of a technically qualified individual; or

(E) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

(15) Hazardous Substance—any extremely hazardous substance listed in 40 CFR part 355; any hazardous chemical as defined in section (14); any pesticide for which a registration has been canceled or suspended under the provisions of section 263.300, RSMo, or the federal Insecticide, Fungicide and Rodenticide Act of 1972 (P.L. 92-516).

(16) Local Emergency Planning Committee (LEPC) chair—that person elected by the membership of the LEPC to call and chair LEPC meetings, to assign tasks, to develop LEPC subcommittees and to oversee the functioning of the LEPC. The LEPC chair and LEPC coordinator may be the same person.

(17) LEPC coordinator—a staff person, usually from local government, a regional planning council or a volunteer that maintains the day-to-day operations of the LEPC. Duties might include information management, facility compliance activities, hazardous materials planning, fund management, providing the functions of the community emergency coordinator and various other duties necessary for an LEPC to function. The LEPC coordinator and LEPC chair may be the same person.

(18) LEPC or committee—the people appointed by the MERC for a local emergency planning district for the purpose of improving hazardous chemical safety and preparedness.

(19) Local Emergency Planning District (LEPD) or district—a geographical area in Missouri designated by MERC for the purpose of hazardous chemical safety and planning.

(20) Local gas distribution system—a gas distribution system regulated by the Public Service Commission (PSC) that provides natural gas to the end use consumers of that gas. It does not include any pipeline, feeder line or transmission line, as defined by the PSC, that transports natural gas to other distribution systems or to other persons for subsequent distribution.

(21) Local government—any county, township, municipal corporation, school district

or other governmental body of equivalent rank.

(22) Material Safety Data Sheet (MSDS)—the sheet required to be developed under Section 1910.1200(g) of Title 29 of the *Code of Federal Regulations*.

(23) Missouri Emergency Response Commission (MERC) or commission—The commission established under section 292.602, RSMo.

(24) Missouri Tier Two Form (see 11 CSR 10-11.240)—the emergency and hazardous chemical inventory form developed by the MERC.

(25) Person—any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government or any other legal entity which is recognized by law as the subject of rights and duties.

(26) Petroleum retail facility—a facility where more than fifty percent (50%) of the hazardous material revenues are from the retail sale and delivery of gasoline, diesel fuel and propane to the general public at the facility.

(27) Petroleum-related employer—the person, firm or corporation earns more than fifty percent (50%) of its hazardous chemical revenues from the sale, delivery or transport of petroleum products.

(28) Release—any threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying or dumping of a substance into or onto the land, air or waters of the state unless done in compliance with the conditions of a federal or state permit, unless the substance is confined and is expected to stay confined to property owned, leased or otherwise controlled by the person having control over the substance or unless, in the case of pesticides, application is done in accordance with the product label.

(29) Threshold planning quantity—is the quantity of an extremely hazardous substance established by the administrator under 40 CFR part 355 for emergency planning purposes.

(30) Transportation fee—a fee paid to the United States Department of Transportation under Section 117A(h) of the Hazardous Materials Transportation Act (P.L. 101-615).

(31) Waters of the state—all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two (2) or more persons jointly or as tenants in common and include waters of the United States lying within the state.

*AUTHORITY: section 292.613, RSMo 2000. This rule previously filed as 11 CSR 40-4.020. This rule also filed as 10 CSR 24-2.010. Original rule filed Nov. 30, 1983, effective April 12, 1984. Emergency amendment filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 30, 1993. Amended: Filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994. Changed to 11 CSR 10-11.220. Amended: Filed Dec. 19, 2001, effective June 30, 2002.*

*\*Original authority: 292.613, RSMo 1988, amended 1993, 1995.*

### **11 CSR 10-11.230 Emergency Notification of Releases of Hazardous Substances and Extremely Hazardous Substances**

*PURPOSE: This rule establishes a statewide emergency telephone number to notify Missouri whenever a hazardous substance emergency occurs and specifies the requirements for emergency notification and follow-up written notices in the event of a hazardous substance emergency, the release of a reportable quantity of a hazardous substance and the release of a reportable quantity of an extremely hazardous substance.*

(1) Any person required to report the release of a hazardous substance or extremely hazardous substance in accordance with Section 304 of the Federal Emergency Planning and Community Right-to-Know Act (EPCRA) shall meet this requirement by notifying the Missouri Department of Natural Resources (MDNR) at 314/634-2436 as specified in 10 CSR 24-3.010 and shall provide such information as specified in 10 CSR 24-3.010(1) to the MDNR and to the emergency coordinator for the Local Emergency Planning Committee (LEPC) for any area likely to be affected by the release. If there is no LEPC or if a local emergency contact has not been designated by the LEPC, notification shall be provided to the appropriate local emergency response personnel.

(2) Any person required to provide an emergency notification under 11 CSR 10-11.230(1) shall provide a written follow-up emergency notice (or notices as more information becomes available) to the department and any affected LEPC. This written notice(s) shall contain the information described in 10 CSR 24-3.010(3). Also, written follow-up notice(s) shall be provided to the MDNR upon request of the MDNR.

*AUTHORITY: section 292.613, RSMo 2000. This rule previously filed as 11 CSR 40-4.030. Original rule filed Nov. 30, 1983, effective April 12, 1984. Emergency amendment filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 30, 1993. Amended: Filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994. Changed to 11 CSR 10-11.230. Amended: Filed Dec. 19, 2001, effective June 30, 2002.*

*\*Original authority: 292.613, RSMo 1988, amended 1993, 1995.*

## 11 CSR 10-11.240 Reporting Procedures Under the State and Federal Emergency Planning and Community Right-to-Know Act (EPCRA)

*PURPOSE: This rule establishes reporting procedures for persons and businesses in Missouri to comply with the state and federal Emergency Planning and Community Right-to-Know Acts.*

(1) The format for routine reporting under sections 302, 303, 311 and 312 of the federal Emergency Planning and Community Right-to-Know Acts (EPCRA) and sections 292.605 and 292.617, RSMo of the state EPCRA is the Missouri Tier Two form. This form can be accessed on the Internet at [www.sema.state.mo.us/mercc.htm](http://www.sema.state.mo.us/mercc.htm). These reports are due to the department or postmarked by March 1 annually for the previous calendar year. The state EPCRA requires the names, current addresses and phone numbers of at least two (2) individuals familiar with the kind, location, nature and approximate quantities present in the facility, who may be contacted in the event of an emergency. The federal regulations for reporting under sections 302 and 303 of the EPCRA are in 40 CFR part 355. Federal regulations for reporting under sections 311 and 312 of the EPCRA are in 40 CFR part 370.

(A) Section 302 of the federal EPCRA requires anyone in Missouri having an extremely hazardous substance at or above the threshold planning quantity at a facility to

provide that information to the Missouri Emergency Response Commission (MERC).

(B) Section 303 of the federal EPCRA requires that anyone having an extremely hazardous substance at a facility at or above the threshold planning quantity provide the Local Emergency Planning Committee (LEPC) with the name of a facility coordinator to work with LEPC to plan for hazardous chemical emergencies at the facility. The first person listed in the Emergency Contact section of the Tier Two form shall be the facility coordinator for any facility with an extremely hazardous substance at or above the threshold planning quantity.

(C) The information required in subsections (1)(A) and (B) of this rule must be updated within sixty (60) days of a new extremely hazardous substance being present at the facility at or above the threshold planning quantity. Also, the owner or operator of a facility subject to subsection (1)(B) shall inform LEPC of any changes occurring at the facility which may be relevant to emergency planning.

(D) Any person engaged in business in Missouri having ten thousand pounds (10,000 lbs.) or more of a hazardous chemical at a facility or five hundred pounds (500 lbs.) or more (or the threshold planning quantity, whichever is less) of an extremely hazardous substance shall complete the Missouri Tier Two form for all such hazardous chemicals and extremely hazardous substances.

1. The Missouri Tier Two form is due each March 1 for the previous calendar year.

2. If any new hazardous chemical or extremely hazardous substance comes onto the site in a quantity sufficient to require reporting under this subsection, an updated Tier Two form must be provided within three (3) months.

3. The Tier Two form shall be provided to the local fire department, LEPC and MERC under this subsection.

(E) Owners and operators of facilities where one hundred pounds (100 lbs.) or more of explosives or blasting agents are present shall notify the fire department within twenty-four (24) hours of those materials being on-site. If the explosives or blasting agents are on-site for fifteen (15) days or more, a Tier Two form shall be provided to the fire department, LEPC and MERC.

(2) Upon a request from the local fire department, LEPC or the department, any person required to report under section (1) of this rule shall provide, as requested, a Missouri Tier Two form, Material Safety Data Sheet (MSDS), written description or diagram and other information regarding the kind, loca-

tion, approximate quantities, hazardous nature and method of containment of hazardous chemicals which are stored, used or produced at the facility. Upon a request for information from the fire department, LEPC or department, the threshold for reporting under this section is anything over zero pounds (0 lbs.).

(3) Toxic Chemical Release Inventory (Form R) Reporting.

(A) Anyone required to report under Section 313 of the federal EPCRA shall file a copy of each Toxic Release Inventory with Department of Natural Resources at PO Box 176, Jefferson City, MO 65102. These forms are due by July 1 of each year for the previous calendar year.

(B) Submittal of the Toxic Release Inventory shall be on Form R as developed by the United States Environmental Protection Agency for each reporting year. Electronic or magnetic media submittals will not be accepted unless specifically authorized and in a format approved by the Missouri Department of Natural Resources. Federal regulations for submittal of Toxic Release Inventory forms (Form R) are contained in 40 CFR part 372.

*AUTHORITY: section 292.613, RSMo 2000. This rule previously filed as 11 CSR 40-4.040. This rule also filed as 10 CSR 24-4.010. Emergency rule filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 30, 1993. Original rule filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994. Changed to 11 CSR 10-11.240. Amended: Filed Dec. 19, 2001, effective June 30, 2002.*

*\*Original authority: 292.613, RSMo 1988, amended 1993, 1995.*

## 11 CSR 10-11.250 Hazardous Chemical Fees

*PURPOSE: This rule describes the hazardous chemical fee system, how to calculate these fees and when and where to submit them.*

(1) Fees for Tier Two forms (see 11 CSR 10-11.220) are payable at the time Tier Two forms are due, each March 1 for the previous calendar year.

(A) Fees shall be calculated as described in this section. It shall be the employer's responsibility to calculate the required fees on the fee calculation worksheet which can be accessed on the Internet at [www.sema.state.mo.us/mercc.htm](http://www.sema.state.mo.us/mercc.htm) and to remit them to the Missouri Emergency Response Commission (MERC) at PO Box

3133, Jefferson City, MO 65102. Family farm operations and local government facilities are exempt from paying fees under this chapter.

(B) Fees that are owed are due at the MERC or postmarked no later than March 1 each year along with the Tier Two forms and the fee calculation worksheet. A late charge of ten percent (10%) of the fees owed will be assessed for fees that are not paid on time. An additional one percent (1%) per month of fees owed plus late charges will also be assessed for late submittal of fees.

(C) Owners or operators of petroleum retail facilities shall pay fifty dollars (\$50) for each facility.

(D) Owners or operators of other facilities shall pay one hundred dollars (\$100) for up to three (3) reportable hazardous chemicals listed on the Tier Two form and twenty dollars (\$20) for each additional reportable hazardous chemical in excess of three (3).

(E) For each calendar year, fees shall be calculated based on each hazardous chemical on hand at any one (1) time at a facility in excess of ten thousand pounds (10,000 lbs.) or for extremely hazardous substances on hand at any one (1) time in excess of five hundred pounds (500 lbs.) or the threshold planning quantity, whichever is less, or for explosives or blasting agents on hand at any one (1) time in excess of one hundred pounds (100 lbs.).

(F) For the purpose of calculating fees, all grades of gasoline are considered to be one (1) product; all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel and all other heavy distillate products except for grades of gasoline are considered to be one (1) product, and all varieties of motor lubricating oil are considered to be one (1) product.

#### (2) Petroleum-Related Employers.

(A) Any employer that wants to be considered a petroleum-related employer must certify to the commission that more than fifty percent (50%) of the employer's hazardous chemical revenue is from the sale, delivery or transport of petroleum products. This certification shall be in writing, signed by an officer of the company and shall pertain to the calendar year for which Tier Two forms are filed. The commission may require that additional documentation be provided on request to establish that an employer is a petroleum-related employer.

(B) An employer whose primary hazardous chemical business is petroleum related and who has paid federal hazardous materials transportation fees during the calendar year for which the Tier Two form is filed may

deduct the amount of the transportation fee from the amount owed to MERC.

(C) In order to deduct transportation fees from fees otherwise owed to MERC, petroleum-related employers shall provide documentation with their Tier Two forms on the amount of transportation fees paid to the United States Department of Transportation. The transportation fees may be deducted only for the same calendar year that the Tier Two forms cover.

(D) If the federal transportation fees exceed the fees that would otherwise be owed to MERC, no fees shall be required to be paid to the MERC.

(E) In order to deduct federal transportation fees from those owed to the commission, a petroleum-related employer shall file all his/her Tier Two forms together, along with a list of the employer's facilities by county. Also, that employer shall calculate and list the fees that would be paid for each facility, total those fees and subtract the federal transportation fee from that total.

(3) Any one employer shall not be required to pay more than ten thousand dollars (\$10,000) per year in fees to MERC under sections (1)–(5) of this rule.

(A) Any employer requesting the use of this ten thousand dollar (\$10,000)-cap on fees shall file all of his/her Tier Two forms together along with a list of each of the employer's facilities by county.

(B) The employer also shall calculate and list the fee that would apply to each facility in the absence of the ten thousand dollar (\$10,000)-cap.

(4) Employers, at their discretion, may list hazardous chemicals on their Tier Two form for which reporting is not required. The employer shall designate which chemicals are not required to be reported and shall not be required to pay fees for these chemicals.

(5) Employers engaged in transporting hazardous chemicals by pipeline, except local gas distribution companies regulated by the Missouri Public Service Commission, shall pay a fee of two hundred fifty dollars (\$250) for each county in which they operate.

(A) These fees are due March 1 each year for pipelines operated during the previous calendar year.

(B) Along with the fees, an employer reporting under this section shall list the counties in which they operated during the previous calendar year.

(C) A late charge of ten percent (10%) of the fees owed under this section will be assessed for fees that are not paid on time.

An additional one percent (1%) per month of fees owed plus late charges also will be assessed for late submittal of fees.

(6) Fees collected by the department and all funds provided to local emergency planning committees shall be used for chemical emergency preparedness purposes as outlined in sections 292.600 to 292.625, RSMo and the federal act, including:

(A) Contingency planning for chemical releases;

(B) Exercising, evaluating, and distributing plans;

(C) Providing training related to chemical emergency preparedness and prevention of chemical accidents;

(D) Identifying facilities required to report;

(E) Processing the information submitted by facilities and making it available to the public;

(F) Receiving and handling emergency notifications of chemical releases;

(G) Operating a local emergency planning committee;

(H) Providing public notice of chemical preparedness activities.

(7) Local emergency planning committees receiving funds under this section may combine such funds with other local emergency planning committees to further the purposes of sections 292.600 to 292.625, RSMo or the federal act.

(8) The commission shall establish criteria and guidance on how funds received by local emergency planning committees may be used.

(9) No funds provided to the local emergency planning committees under this program shall be used for salaries for full-time employee.

*AUTHORITY: section 292.613, RSMo 2000. This rule previously filed as 11 CSR 40-4.050. This rule also filed as 10 CSR 24-5.010. Emergency rule filed Dec. 2, 1992, effective Jan. 1, 1993, expired April 30, 1993. Original rule filed Oct. 5, 1992, effective April 8, 1993. Amended: Filed Nov. 5, 1993, effective June 6, 1994. Changed to 11 CSR 10-11.250. Amended: Filed Dec. 19, 2001, effective June 30, 2002.*

*\*Original authority: 292.613, RSMo 1988, amended 1993, 1995.*

# *Missouri Revised Statutes*

## **Chapter 292**

### **Health and Safety of Employees**

#### **Section 292.600**

August 28, 2002

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#### **Definitions.**

292.600. As used in sections 292.600 to 292.625, the following terms mean:

- (1) "Department", the state department of public safety;
- (2) "District or local emergency planning committee", a committee established by the Missouri emergency response commission and may include one or more counties or cities in Missouri;
- (3) "Employer", a person engaged in business and including the state and any political subdivision thereof;
- (4) "Hazardous substance", any substance which is:
  - (a) Listed in Title III, Emergency Planning and Community Right-to-Know, of the federal Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499; or
  - (b) A pesticide for which a registration has been canceled or suspended under the provisions of section 281.260, RSMo, or the federal Insecticide, Fungicide and Rodenticide Act of 1972, Public Law 92-516, as amended; or
  - (c) An extremely hazardous substance or hazardous chemical as defined in Title III, Emergency Planning and Community Right-to-Know, as enacted under the federal Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499; and which an employer stores, uses or produces, but shall not include any substance which is a food or drug as defined in the federal Food, Drug and Cosmetic Act, 21 U.S.C., Section 321, et seq.; packaged for distribution to, and used by, the general public, including any product used by an employer in the same form, approximate amount, concentration, and manner as it is sold to the consumer; present in a physical state, volume, or concentration for which there is no valid and substantial evidence that a significant risk to human health may occur from exposure; used in a laboratory for experimentation, research, development or testing by or under the direct supervision of a technically qualified individual, provided that the toxic substance or mixture is not produced in the laboratory for commercial purposes;
- (5) "Person", one or more individuals, partnerships, associations, corporations, business trusts, legal representatives or any organized group of persons.

(L. 1985 H.B. 507 & 139 § 1, A.L. 1987 H.B. 655, A.L. 1988 S.B. 765, A.L. 1993 H.B. 550)

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# *Missouri Revised Statutes*

## **Chapter 292**

### **Health and Safety of Employees**

#### **Section 292.602**

August 28, 2002

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#### **Missouri emergency response commission established--members --appointment, qualifications--terms--vacancies--removal for cause --expenses, powers and duties.**

292.602. 1. The "Missouri Emergency Response Commission", herein to be known as the commission, is hereby established and is officially domiciled in the department of public safety. The commission shall be composed of the director of the department of economic development, or his designee; the director of the department of natural resources, or his designee; the director of the department of public safety, or his designee; the director of the department of health and senior services, or his designee; six members appointed by the governor with the advice and consent of the senate; one to represent transporters of hazardous materials; one to represent Missouri industry; one to represent local government; one chief fire officer from a recognized fire department or fire protection district; one police officer of the rank of captain or above from a recognized county or municipal police department; and one to represent the general public and four members of the general assembly, two of whom shall be appointed by the speaker of the house and two of whom shall be appointed by the president pro tem of the senate. All members of the commission shall represent the general interest of the public and shall, to the extent practicable, have technical expertise in the emergency response field. No more than three members appointed by the governor shall be of the same political party. The terms of office for the members appointed by the governor shall be four years and until their successors are selected and qualified, except that, of those first appointed, two shall have a term of three years, two shall have a term of two years and two will have a term of one year. There is no limitation on the number of terms an appointed member may serve. The governor may appoint a member for the remaining portion of the unexpired term created by a vacancy. The governor may remove any appointed member for cause.

2. All members of the commission shall serve without compensation for their duties, but shall be reimbursed for necessary travel and other expenses incurred in the performance of their official duties.

3. The Missouri emergency response commission in conjunction with the department shall:

(1) Carry out those responsibilities designated under sections 292.600 to 292.625 and implement sections 292.600 to 292.625 and the Emergency Planning and Community Right-to-Know Act of 1986, Public Law 99-499, as amended, and all rules and regulations promulgated pursuant thereto, herein to be known as the Federal Act;

(2) Designate local emergency planning districts to facilitate preparation and implementation of emergency plans, appoint members of a local emergency planning committee for each local emergency planning district, support and coordinate the activities of such committees, review the emergency plans submitted by local emergency planning committees, and make recommendations to the local emergency planning committees regarding those plans;

(3) Establish a single filing point for all reports and filings that are required to be submitted to the commission under the provisions of sections 292.600 to 292.625 and the Federal Act;

(4) Accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal

government, for the purpose of carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625;

- (5) Provide assistance to the local emergency planning committees for the purpose of carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625 and the Federal Act by utilizing all available expertise both public and private, including, but not limited to, the departments of natural resources, public safety and health;
- (6) Provide training to local emergency planning committees and other local officials to accomplish the purposes and objectives of the Federal Act and the provisions of sections 292.600 to 292.625. The department of public safety will coordinate the provisions of such training and periodically report to the commission on training activities;
- (7) Enter into such agreements with other state agencies, local governments and other political subdivisions of the state, the federal government and other persons as is determined to be appropriate to implement the Federal Act and the provisions of sections 292.600 to 292.625;
- (8) Allot funds as specified in section 292.604 to local emergency planning committees;
- (9) Develop a data management system to store and retrieve information submitted under the provisions of sections 292.600 to 292.625 and the Federal Act. The commission and the department will provide assistance to local emergency planning committees and fire departments, fire protection districts, volunteer fire protection services and others to make this information readily available to them for planning and emergency response purposes.

(L. 1989 H.B. 77, et al., A.L. 1992 S.B. 480, A.L. 1993 H.B. 550, A.L. 1996 S.B. 740)



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# *Missouri Revised Statutes*

## **Chapter 292**

### **Health and Safety of Employees**

#### **Section 292.604**

August 28, 2002

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#### **Funding of commission--distribution of funds.**

292.604. 1. The duties and the responsibilities of the commission and department under sections 292.600 to 292.625 shall be funded by the chemical emergency preparedness fund and general revenue upon appropriation.

2. Such appropriations shall be distributed as follows:

(1) Sixty-five percent of the funds collected under subsection 2 of section 292.606 shall be provided to the local emergency planning committees for their responsibilities under sections 292.600 to 292.625 and the federal act as follows:

(a) Of the sixty-five percent provided in subdivision (1) of this subsection, one-third shall be equally distributed annually to each local emergency planning committee through the governing body of each county or a city not within a county or any city with a population greater than four hundred thousand and located in more than one county;

(b) Two-thirds shall be distributed to the local emergency planning committees through the county governing body or any city not within a county or any city with a population greater than four hundred thousand and located in more than one county, based on the number of facilities identified with hazardous chemicals as defined in section 311(e) of the federal act; and on the presence of highways, railroads, pipelines and other pertinent entities as the commission and the department may determine;

(c) When a local emergency planning district has been formed the moneys distributed under paragraphs (a) and (b) of this subdivision to any county governing body or any city not within a county or any city with a population greater than four hundred thousand, located in more than one county which is a part of a district shall immediately transfer such funds to the district committee;

(d) Funds provided to local emergency planning committees under this section shall be used for purposes specified by the commission and the department for carrying out the purposes of sections 292.600 to 292.625 and the federal act. Use of such funds for purposes other than those specified can result in refusal to provide additional funds to that jurisdiction. The commission and the department may recover, by appropriate legal means, any funds spent inconsistent with the grant or contract under which such funds were provided;

(2) Twenty-five percent of the funds collected under subsection 2 of section 292.606 shall be available to carry out the responsibilities of the commission and the department under sections 292.600 to 292.625 and the federal act;

(3) Ten percent of the funds collected under subsection 2 of section 292.606 shall be distributed to the division of fire safety in the department of public safety to be used for hazardous materials training courses to carry out the provisions of sections 292.600 to 292.625. Training programs provided under this subsection shall be reviewed by the commission.

3. Fees collected by the commission under section 292.606 shall be placed in the chemical emergency preparedness fund to carry out the responsibilities of the commission and the department under sections 292.600 to 292.625 and the federal act.

4. Private donations, federal grants, contracts, interest accruing to the fund, and other funds shall be administered by the department in conjunction with the commission for purposes of chemical emergency preparedness as specified in sections 292.600 to 292.625 and the federal act.

(L. 1989 H.B. 77, et al., A.L. 1992 S.B. 480)



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# *Missouri Revised Statutes*

## **Chapter 292**

### **Health and Safety of Employees**

#### **Section 292.605**

August 28, 2002

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#### **Employer to furnish certain information, to whom, form--on-site inspections, when--updating of information, when--information made available to public, by whom, fee.**

292.605. 1. Every employer shall provide information and reports regarding the properties and nature of the hazardous substances which he stores, uses or produces to the local fire protection service, the department and the local emergency planning committee. Requirements for information under this subsection may be satisfied by the employer through the submission of an annual Tier II form as defined in 40 CFR Part 370 or other alternative methods of reporting approved by the department. Submittal to the department of a Tier II form or any other alternative method of reporting approved by the department shall satisfy the reporting requirements to the Missouri emergency response commission as directed under Title III of the Superfund Amendments and Reauthorization Act of 1986.

2. In addition to the information required in subsection 1 of this section, employers shall permit on-site inspections, as required by Title III, Emergency Planning and Community Right-to-Know, of the federal Superfund Amendments of 1986, Public Law 99-499, by the local fire chief or his representative, upon request, for the purpose of planning fire protection and emergency response activities. In addition to an on-site inspection, the employer shall provide a material safety data sheet or information by written description or diagram, if requested by the local fire protection service or local emergency planning committee regarding the kind, location, approximate quantities, hazardous nature and method of containment of hazardous substances which the employer stores, uses or produces at the facility. In addition to the information required by this subsection, the employer shall provide the fire protection service or local emergency planning committee with relevant information, through on-site inspection or written description or diagram, on all other hazardous substances, as defined in section 260.500, RSMo, which the employer has knowledge are present at the facility in such form and quantity as to present a potential threat to public health and safety or the environment in the event of a fire or a release of the hazardous substance at the facility. For the purposes of this subsection, relevant information required of the employer on hazardous substances shall include the kind, location, approximate quantities, properties, hazardous characteristics and such other related information as the fire protection service may require to respond effectively to an emergency at the facility. Information required of the employer by the department of natural resources on hazardous waste pursuant to sections 260.350 to 260.432, RSMo, which is made available or provided to the fire protection service shall satisfy the requirements for information on such substances under this subsection. Information required by this subsection shall be available to the general public, as required by Title III, Emergency Planning and Community Right-to-Know, of the federal Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499.

3. On the Tier II form every employer shall provide the department, the local emergency planning committee, and the local fire protection service in which jurisdiction the employer's facility is located with the name and current address and telephone number of at least two individuals familiar with the kind, location, nature and approximate quantities of hazardous substances present in the facility who may be contacted in the event of an emergency.

4. All information required from the employer under sections 292.600 to 292.625 shall be updated each March first or more frequently if conditions change which may affect the ability of the fire protection service to respond effectively to an emergency occurring at the facility.

5. All information provided by the employer to the fire protection service, the local emergency planning committee, and the department as required by subsection 1 of this section shall be available to the general public from the fire protection service, local emergency planning committee or the department upon request. Any request for information shall be in writing. All requests for information shall be available during normal business hours for inspection by any affected employer. The fire protection service, the department or the local emergency planning committee may charge a fee sufficient to cover the actual cost of providing any requested information.

(L. 1985 H.B. 507 & 139 § 2, A.L. 1987 H.B. 655, A.L. 1988 S.B. 765, A.L. 1992 S.B. 480)

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# *Missouri Revised Statutes*

## **Chapter 292**

### **Health and Safety of Employees**

#### **Section 292.606**

August 28, 2002

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**Fees, certain employers, how much, due when, late penalty --deductions--excess credited when--  
agencies receiving funds, duties --use of funds, commission to establish criteria.**

292.606. 1. Fees shall be collected for a period of twenty years from August 28, 1992.

2. (1) Any employer required to report under subsection 1 of section 292.605, except local governments and family-owned farm operations, shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, RSMo, if such person, firm or corporation is paying fees under the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such federal fees from those fees owed to the state under the provisions of this subsection. If the federal fees exceed or are equal to what would otherwise be owed under this subsection, such employer shall not be liable for state fees under this subsection. In relation to petroleum products "primary business" shall mean that the person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline, are considered to be one product, and all varieties of motor lubricating oil are considered to be one product. For the purposes of this section "facility" shall mean all buildings, equipment, structures and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person. If more than three hazardous substances or mixtures are reported on the Tier II form, the employer shall submit an additional twenty-dollar fee for each hazardous substance or mixture. Fees collected under this subdivision shall be for each hazardous chemical on hand at any one time in excess of ten thousand pounds or for extremely hazardous substances on hand at any one time in excess of five hundred pounds or the threshold planning quantity, whichever is less, or for explosives or blasting agents on hand at any one time in excess of one hundred pounds. However, no employer shall pay more than ten thousand dollars per year in fees. Except moneys acquired through litigation shall not apply to this cap;

(2) Employers engaged in transporting hazardous materials by pipeline except local gas distribution companies regulated by the Missouri public service commission shall pay to the commission a fee of two hundred fifty dollars for each county in which they operate;

(3) Payment of fees is due each year by March first. A late fee of ten percent of the total owed, plus one percent per month of the total, may be assessed by the commission;

(4) If, on March first of each year, fees collected under this section and natural resources damages made available pursuant to section 640.235, RSMo, exceed one million dollars, any excess over one million dollars shall be proportionately credited to fees payable in the succeeding year by each employer who was required to pay a fee and who did pay a fee in the year in which the excess occurred. The limit of one million dollars contained herein shall be reviewed



by the commission concurrent with the review of fees as required in subsection 1 of this section.

3. Local emergency planning committees receiving funds under section 292.604 shall coordinate with the commission and the department in chemical emergency planning, training, preparedness, and response activities. Local emergency planning committees receiving funds under this section, section 260.394, RSMo, sections 292.602, 292.604, 292.605, 292.615 and section 640.235, RSMo, shall provide to the commission an annual report of expenditures and activities.
4. Fees collected by the department and all funds provided to local emergency planning committees shall be used for chemical emergency preparedness purposes as outlined in sections 292.600 to 292.625 and the federal act, including contingency planning for chemical releases; exercising, evaluating, and distributing plans, providing training related to chemical emergency preparedness and prevention of chemical accidents; identifying facilities required to report; processing the information submitted by facilities and making it available to the public; receiving and handling emergency notifications of chemical releases; operating a local emergency planning committee; and providing public notice of chemical preparedness activities. Local emergency planning committees receiving funds under this section may combine such funds with other local emergency planning committees to further the purposes of sections 292.600 to 292.625, or the federal act.

5. The commission shall establish criteria and guidance on how funds received by local emergency planning committees may be used.

(L. 1992 S.B. 480, A.L. 2001 H.B. 453)

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# *Missouri Revised Statutes*

## **Chapter 292**

### **Health and Safety of Employees**

#### **Section 292.607**

August 28, 2002

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#### **Chemical emergency preparedness fund established--reversion to general revenue, prohibited.**

292.607. 1. The "Chemical Emergency Preparedness Fund" is hereby established. Funds appropriated under section 292.604, private donations, federal grants, contracts, and other funds provided to the commission and the department for distribution as provided in section 292.604 shall be placed in the chemical emergency preparedness fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, funds in the chemical emergency preparedness fund shall not revert to the general revenue fund. Interest accruing to the fund shall be part of the fund.

2. The chemical emergency preparedness fund shall, upon appropriation, be used to implement the provisions of sections 292.600 to 292.625.

(L. 1989 H.B. 77, et al.)

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# Missouri Revised Statutes

## Chapter 292

### Health and Safety of Employees

#### Section 292.610

August 28, 2002

#### Employer's trade secrets, department to protect--disclosure of by public employees and officers, penalty.

292.610. 1. Trade secret claims by an employer shall be made to the department and subject to the same protection as and treated in a manner similar to and authorized by Title III, Emergency Planning and Community Right-to-Know, of the federal Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499.

2. No officer, employee, or agent of any state or municipal department, agency, commission members, members and employees of district and local emergency planning committees, or authority shall disclose to anyone in any manner any record or portions thereof protected pursuant to the provisions of sections 292.600 to 292.625 and Title III, Emergency Response and Community Right-to-Know, of the federal Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, which are within his custody or knowledge for as long as such record or portions thereof shall be so exempted or until a final judicial denial of such exemption is rendered. Any person who violates any provision of this section commits the crime of misuse of official information and may be punished as provided in section 576.050, RSMo.

(L. 1985 H.B. 507 & 139 § 3, A.L. 1988 S.B. 765)



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# *Missouri Revised Statutes*

## Chapter 292

### Health and Safety of Employees

#### Section 292.613

August 28, 2002

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#### **Rules and regulations, department to promulgate--procedure.**

292.613. The department shall have the authority to promulgate, after public hearing, rules and regulations to carry out the provisions of sections 292.600 to 292.625 and to meet the reporting requirements of Title III, Emergency Planning and Community Right-to-Know, of the federal Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

(L. 1988 S.B. 765, A.L. 1993 S.B. 52, A.L. 1995 S.B. 3)

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# *Missouri Revised Statutes*

## **Chapter 292**

### **Health and Safety of Employees**

#### **Section 292.615**

August 28, 2002

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**Violations, attorney general to bring action--jurisdiction, circuit court--penalties, limit, payable to general revenue--civil actions, by whom, why, commission approval--actions against local committee, by whom, why--access for investigation, procedure.**

292.615. 1. The attorney general shall bring an action in circuit court against any employer knowingly and intentionally violating the provisions of sections 292.600 to 292.625. In any such action the circuit court shall have jurisdiction to restrain violations of the provisions of sections 292.600 to 292.625 and to levy appropriate penalties, including reasonable attorney's fees and costs, of not more than five thousand dollars per violation for each day of violation. Any civil penalty assessed for the violation of any of the provisions of sections 292.600 to 292.625 shall be payable to the general revenue fund.

2. The commission, local emergency planning committees or fire protection services may, on their own initiative or on behalf of any person, commence a civil action against an employer for failure to submit the required Tier II form after thirty days of such employer being notified by the commission that such employer is not in compliance. A local emergency planning committee or fire protection service commencing a civil action shall seek commission approval in advance of such action and cooperate with the commission and the department in the legal process. Any violations of section 260.394, RSMo, sections 292.602, 292.604, 292.605, 292.606, 292.615 and section 640.235, RSMo, shall constitute a class C misdemeanor.

3. Any employer, the department, or the Missouri emergency response commission may commence a civil action against a local emergency planning committee for failure to use fees collected under section 292.604 for the purposes specified in sections 292.600 to 292.625 or for use of fees collected under section 292.604 for purposes other than those specified in sections 292.600 to 292.625. The department and the commission may recover, by appropriate legal means, any funds spent inconsistent with the purposes specified in sections 292.600 to 292.625.

4. The Missouri emergency response commission may commence a civil action against a local emergency planning committee that fails to provide information as required in subsection 4 of section 292.606.

5. No person shall refuse entry or access for the purpose of investigating possible violations of sections 292.600 to 292.625 or the federal act by an authorized representative of the department who presents appropriate credentials, nor obstruct or hamper the representative. A suitably restricted search warrant, upon showing of probable cause in writing and upon oath, may upon application be issued by any court of competent jurisdiction to any such representative for the purpose of enabling the representative to investigate or respond to possible violations of sections 292.600 to 292.625 or the federal act.

(L. 1985 H. B. 507 & 139 § 4, A.L. 1987 H.B. 655, A.L. 1988 S.B. 765, A.L. 1992 S.B. 480)

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# *Missouri Revised Statutes*

## **Chapter 292** **Health and Safety of Employees** **Section 292.617**

August 28, 2002

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**Explosive or blasting agents, temporary storage--notification of local fire department and certain others--content of report, exceptions --visible markings on buildings, rooms and containers, requirements, exceptions--motor vehicles, rolling stock and airplanes, markings by federal government.**

292.617. 1. Owners and operators of facilities where one hundred pounds or more of explosives or blasting agents as defined in Title 49, Code of Federal Regulations, Part 173, Subpart C are temporarily stored shall file such reports as required under section 292.605 whenever such explosive materials are stored in a particular facility for more than fifteen days and each time such explosive materials are relocated to a new site for storage of more than fifteen days duration, except that when such explosive materials are stored in any facility for less than fifteen days such reports shall not be required and the facility owner or operator shall, within twenty-four hours of the arrival of such explosive materials at the facility, notify the local fire department in the jurisdiction where the facility is located that such explosive materials are temporarily stored in that facility and shall describe the contents and amount of the explosive materials stored therein. The provisions of this subsection concerning explosive materials shall apply to owners and operators of facilities where explosives are temporarily stored prior to use at that facility or location and shall not apply to storage by manufacturers and distributors prior to sale or to such material while in transit provided that the transporter is in compliance with the United States Department of Transportation regulation.

2. All facilities required to submit reports under sections 292.600 to 292.625, except those facilities having an emergency response policy or facilities located in a fire protection district or municipality having a fire protection code, shall provide visible markings on the outside of buildings, rooms and containers where hazardous substances are present. These markings shall conform to the National Fire Protection Association Standard Number 704 or with other federal laws or regulations, or in the case of containers, may as an option comply with Safety and Health Administration Hazard Communication Rule, 29 CFR 1910.1200(f). To avoid duplication of markings, marking requirements of the United States Department of Transportation shall satisfy the requirements in regard to motor vehicles, rolling stock and aircraft.

(L. 1989 H.B. 77, et al., A.L. 1990 S.B. 719)

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# *Missouri Revised Statutes*

## **Chapter 292 Health and Safety of Employees Section 292.623**

August 28, 2002

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### **Immunity from liability for official actions by members of commission and local emergency planning committee, exceptions.**

292.623. Members of the Missouri emergency response commission and members of local emergency planning committees appointed by the commission shall not be liable for damages incurred as a result of actions taken by them when acting in their capacities pursuant to sections 292.600 to 292.625, or the federal act. This protection from liability shall not apply for acts or omissions which result from intentional wrongdoing or gross negligence.

(L. 1989 H.B. 77, et al.)

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# *Missouri Revised Statutes*

## **Chapter 292**

### **Health and Safety of Employees**

#### **Section 292.625**

August 28, 2002

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#### **Additional duties of department.**

292.625. The department shall:

- (1) Exercise general supervision of the administration and enforcement of sections 292.600 to 292.625 and all rules and regulations adopted or issued hereunder;
- (2) Retain, employ, provide for and compensate, within appropriations available therefor, such personnel as may be necessary to carry out the provisions of sections 292.600 to 292.625;
- (3) Budget and receive duly appropriated moneys for expenditures to carry out the provisions of sections 292.600 to 292.625;
- (4) Accept, receive and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625. Funds received by the department pursuant to this section shall be deposited with the state treasurer and held and disbursed by him in accordance with the appropriations of the general assembly;

- (5) Work with local emergency planning committees to accomplish the purposes and objectives of sections 292.600 to 292.625.

(L. 1988 S.B. 765)

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**APPENDIX B TO PART 355 -- THE LIST OF EXTREMELY  
HAZARDOUS SUBSTANCES AND THEIR THRESHOLD  
PLANNING QUANTITIES  
(CAS Number Order)**

CAS No.	Chemical Name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
0	Organorhodium Complex (PMN-82-147)		10	10/10,000
100- 14- 1	Benzene, 1-(Chloromethyl)-4-Nitro		500	500/10,000
100- 44- 7	Benzyl Chloride		100	500
10025- 73- 7	Chromic Chloride		1	1/10,000
10025- 87- 3	Phosphorus Oxychloride		1,000	500
10026- 13- 8	Phosphorus Pentachloride	b	500	500
10028- 15- 6	Ozone		100	100
10031- 59- 1	Thallium Sulfate	h	100	100/10,000
10102- 43- 9	Nitric Oxide	c	10	100
10102- 44- 0	Nitrogen Dioxide		10	100
10102- 18- 8	Sodium Selenite	h	100	100/10,000
10102- 20- 2	Sodium Tellurite		500	500/10,000
10124- 50- 2	Potassium Arsenite		1	500/10,000
10140- 87- 1	Ethanol, 1,2-Dichloro-, Acetate		1,000	1,000
102- 36- 3	Isocyanic Acid, 3, 4-Dichlorophenyl Ester		500	500/10,000
10210- 68- 1	Cobalt Carbonyl	h	10	10/10,000
10265- 92- 6	Methamidophos		100	100/10,000
10294- 34- 5	Boron Trichloride		500	500
103- 85- 5	Phenylthiourea		100	100/10,000
1031- 47- 6	Triamiphos		500	500/10,000
10311- 84- 9	Dialifor		100	100/10,000
10476- 95- 6	Methacrolein Diacetate		1,000	1,000
106- 89- 8	Epichlorohydrin	1	100	1,000
106- 96- 7	Propargyl Bromide		10	10
1066- 45- 1	Trimethyltin Chloride		500	500/10,000
107- 02- 8	Acrolein		1	500
107- 13- 1	Acrylonitrile	1	100	10,000
107- 18- 6	Allyl Alcohol		100	1,000
107- 11- 9	Allylamine		500	500

CAS No.	Chemical Name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
107- 07- 3	Chloroethanol		500	500
107- 30- 2	Chloromethyl Methyl Ether	c	10	100
107- 15- 3	Ethylenediamine		5,000	10,000
107- 16- 4	Formaldehyde Cyanohydrin	h	1,000	1,000
107- 12- 0	Propionitrile		10	500
107- 44- 8	Sarin	h	10	10
107- 49- 3	TEPP		10	100
108- 91- 8	Cyclohexylamine	1	10,000	10,000
108- 23- 6	Isopropyl Chloroformate		1,000	1,000
108- 95- 2	Phenol		1,000	500/10,000
108- 98- 5	Thiophenol		100	500
108- 05- 4	Vinyl Acetate Monomer	1	5,000	1,000
109- 77- 3	Malononitrile		1,000	500/10,000
109- 61- 5	Propyl Chloroformate		500	500
110- 00- 9	Furan		100	500
110- 89- 4	Piperidine		1,000	1,000
110- 57- 6	Trans-1, 4-Dichlorobutene		500	500
111- 69- 3	Adiponitrile	1	1,000	1,000
111- 44- 4	Dichloroethyl ether		10	10,000
1122- 60- 7	Nitrocyclohexane		500	500
1124- 33- 0	Pyridine, 4-Nitro-, l-Oxide		500	500/10,000
1129- 41- 5	Metolcarb	d	1	100/10,000
115- 26- 4	Dimefox		500	500
115- 29- 7	Endosulfan		1	10/10,000
115- 90- 2	Fensulfothion	h	500	500
115- 21- 9	Trichloroethylsilane	h	500	500
116- 06- 3	Aldicarb	c	1	100/10,000
119- 38- 0	Isopropylmethylpyrazolyl Dimethylcarbamate	d	1	500
12002- 03- 8	Paris Green		1	500/10,000
12108- 13- 3	Manganese, Tricarbonyl Methylcyclopentadienyl	h	100	100
123- 73- 9	Crotonaldehyde, (E)-		100	1,000
123- 31- 9	Hydroquinone	1	100	500/10,000
124- 87- 8	Picrotoxin		500	500/10,000
124- 65- 2	Sodium Cacodylate		100	100/10,000
126- 98- 7	Methacrylonitrile	h	1,000	500
129- 00- 0	Pyrene	c	5,000	1,000/10,000
129- 06- 6	Warfarin Sodium	h	100	100/10,000
1303- 28- 2	Arsenic Pentoxide		1	100/10,000

CAS No.	Chemical Name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
1306- 19- 0	Cadmium Oxide		100	100/10,000
13071- 79- 9	Terbufos	h	100	100
1314- 62- 1	Vanadium Pentoxide		1,000	100/10,000
1314- 84- 7	Zinc Phosphide	b	100	500
13171- 21- 6	Phosphamidon		100	100
13194- 48- 4	Ethoprophos		1,000	1,000
1327- 53- 3	Arsenous Oxide	h	1	100/10,000
13410- 01- 0	Sodium Selenate		100	100/10,000
13450- 90- 3	Gallium Trichloride		500	500/10,000
13463- 40- 6	Iron, Pentacarbonyl-		100	100
13463- 39- 3	Nickel Carbonyl		10	1
1397- 94- 0	Antimycin A	c	1,000	1,000/10,000
140- 29- 4	Benzyl Cyanide	h	500	500
140- 76- 1	Pyridine, 2-Methyl-5-Vinyl-		500	500
141- 66- 2	Dicrotophos		100	100
14167- 18- 1	Salcomine		500	500/10,000
1420- 07- 1	Dinoterb		500	500/10,000
143- 33- 9	Sodium Cyanide (Na(CN))	b	10	100
144- 49- 0	Fluoroacetic Acid		10	10/10,000
1464- 53- 5	Diepoxybutane		10	500
149- 74- 6	Dichloromethylphenylsilane		1,000	1,000
151- 56- 4	Ethyleneimine		1	500
151- 38- 2	Methoxyethylmercurlic Acetate		500	500/10,000
151- 50- 8	Potassium Cyanide	b	10	100
152- 16- 9	Diphosphoramide, Octamethyl-		100	100
15271- 41- 7	Bicyclo [2.2.1] Heptane-2-Carbonitrile, 5-Chloro-6-(((Methylamino) Carbonyl) Oxy) Imino) -, (Is-(1-alpha, 2-beta, 4-alpha, 5-alpha, 6E))		500	500/10,000
1558- 25- 4	Trichloro(Chloromethyl) Silane		100	100
1563- 66- 2	Carbofuran		10	10/10,000
1600- 27- 7	Mercuric Acetate		500	500/10,000
1622- 32- 8	Ethanesulfonyl Chloride, 2-Chloro-		500	500
16752- 77- 5	Methomyl	h	100	500/10,000
1752- 30- 3	Acetone Thiosemicarbazide		1,000	1,000/10,000

CAS No.	Chemical Name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
17702- 41- 9	Decaborane (14)		500	500/10,000
17702- 57- 7	Formparanate	d	1	100/10,000
1910- 42- 5	Paraquat Dichloride		10	10/10,000
19287- 45- 7	Diborane		100	100
19624- 22- 7	Pentaborane		500	500
1982- 47- 4	Chloroxuron		500	500/10,000
2001- 95- 8	Valinomycin	c	1,000	1,000/10,000
2032- 65- 7	Methiocarb		10	500/10,000
2074- 50- 2	Paraquat Methosulfate		10	10/10,000
20830- 75- 5	Digoxin	h	10	10/10,000
20859- 73- 8	Aluminum Phosphide	b	100	500
2097- 19- 0	Phenylsilatrane	h	100	100/10,000
2104- 64- 5	EPN		100	100/10,000
21548- 32- 3	Fosthietan		500	500
21609- 90- 5	Leptophos		500	500/10,000
21908- 53- 2	Mercuric Oxide		500	500/10,000
21923- 23- 9	Chlorthiophos	h	500	500
22224- 92- 6	Fenamiphos		10	10/10,000
2223- 93- 0	Cadmium Stearate	c	1,000	1,000/10,000
2231- 57- 4	Thiocarbazide		1,000	1,000/10,000
2238- 07- 5	Diglycidyl Ether		1,000	1,000
2275- 18- 5	Prothoate		100	100/10,000
23135- 22- 0	Oxamyl	d	1	100/10,000
23422- 53- 9	Formetanate Hydrochloride	d, h	1	500/10,000
23505- 41- 1	Pirimifos-Ethyl		1,000	1,000
24017- 47- 8	Triazofos		500	500
24934- 91- 6	Chlormephos		500	500
2497- 07- 6	Oxydisulfoton	h	500	500
	Dimethyl			
2524- 03- 0	Phosphorochloridothioate		500	500
2540- 82- 1	Formothion		100	100
2570- 26- 5	Pentadecylamine		100	100/10,000
	Phosphorothioic Acid, O, O-Dimethyl-S-(2-Methylthio) Ethyl Ester			
2587- 90- 8		c, g	500	500
2631- 37- 0	Promecarb	d, h	1	500/10,000
2636- 26- 2	Cyanophos		1,000	1,000
	Carbamic Acid, Methyl-O-(((2,4-Dimethyl-1, 3-Dithiolan-2-yl) Methylene) Amino)			
26419- 73- 8		d	1	100/10,000

CAS No.	Chemical Name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
2642- 71- 9	Azinphos-Ethyl		100	100/10,000
26628- 22- 8	Sodium Azide (Na(N <sub>3</sub> ))	b	1,000	500
2665- 30- 7	Phosphonothioic Acid, Methyl-, O-(4-Nitrophenyl) O-Phenyl Ester		500	500
2703- 13- 1	Phosphonothioic Acid, Methyl-, O-Ethyl O-(4-(Methylthio) Phenyl) Ester		500	500
27137- 85- 5	Trichloro (Dichlorophenyl) Silane		500	500
2757- 18- 8	Thallous Malonate	c, h	100	100/10,000
2763- 96- 4	Muscimol		1,000	500/10,000
2778- 04- 3	Endothion		500	500/10,000
28347- 13- 9	Xylylene Dichloride		100	100/10,000
28772- 56- 7	Bromadiolone		100	100/10,000
297- 78- 9	Isobenzan		100	100/10,000
297- 97- 2	Thionazine		100	500
298- 04- 4	Disulfoton		1	500
298- 00- 0	Parathion-Methyl	c	100	100/10,000
298- 02- 2	Phorate		10	10
300- 62- 9	Amphetamine		1,000	1,000
302- 01- 2	Hydrazine		1	1,000
3037- 72- 7	Silane, (4-Aminobutyl) Diethoxymethyl-		1,000	1,000
30674- 80- 7	Methacryloyloxyethyl Isocyanate	h	100	100
309- 00- 2	Aldrin		1	500/10,000
315- 18- 4	Mexacarbate		1,000	500/10,000
316- 42- 7	Emetine, Dihydrochloride	h	1	1/10,000
3254- 63- 5	Phosphoric Acid, Dimethyl 4-Methylthio) Phenyl Ester		500	500
327- 98- 0	Trichloronate	k	500	500
353- 42- 4	Boron Trifluoride Compound With Methyl Ether (1:1)		1,000	1,000
3569- 57- 1	Sulfoxide, 3-Chloropropyl Octyl		500	500
359- 06- 8	Fluoroacetyl Chloride	c	10	10
3615- 21- 2	Benzimidazole, 4, 5-Dichloro-2-(Trifluoromethyl)	g	500	500/10,000
3689- 24- 5	Sulfotep		100	500

CAS No.	Chemical Name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
3691- 35- 8	Chlorophacinone		100	100/10,000
371- 62- 0	Ethylene Fluorohydrin	c, h	10	10
3734- 97- 2	Amiton Oxalate		100	100/10,000
3735- 23- 7	Methyl Phenkapton		500	500
379- 79- 3	Ergotamine Tartrate		500	500/10,000
3878- 19- 1	Fuberidazole		100	100/10,000
39196- 18- 4	Thiofanox		100	100/10,000
4044- 65- 9	Bitoscanate		500	500/10,000
4098- 71- 9	Isophorone Diisocyanate		1,000	1,000
4104- 14- 7	Phosacetim		100	100/10,000
4170- 30- 3	Crotonaldehyde		100	1,000
4301- 50- 2	Fluenetil		100	100/10,000
4418- 66- 0	Phenol, 2,2'-Thiobis (4-Chloro-6-Methyl)-		100	100/10,000
465- 73- 6	Isodrin		1	100/10,000
4835- 11- 4	Hexamethylenediamine, N, N'-Dibutyl-		500	500
470- 90- 6	Chlorfenvinfos		500	500
50- 14- 6	Ergocalciferol	c	1,000	1,000/10,000
50- 00- 0	Formaldehyde	1	100	500
50- 07- 7	Mitomycin C		10	500/10,000
502- 39- 6	Methylmercuric Dicyanamide		500	500/10,000
504- 24- 5	Pyridine, 4-Amino-	h	1,000	500/10,000
505- 60- 2	Mustard Gas	h	500	500
506- 68- 3	Cyanogen Bromide		1,000	500/10,000
506- 78- 5	Cyanogen Iodide		1,000	1,000/10,000
506- 61- 6	Potassium Silver Cyanide	b	1	500
50782- 69- 9	Phosphonothioic Acid, Methyl-, S-(2-(Bis(1-Methylethyl) Amino) Ethyl) O-Ethyl Ester		100	100
509- 14- 8	Tetranitromethane		10	500
51- 83- 2	Carbachol Chloride		500	500/10,000
51- 21- 8	Fluorouracil		500	500/10,000
51- 75- 2	Mechlorethamine	c	10	10
514- 73- 8	Dithiazanine Iodide		500	500/10,000
534- 07- 6	Bis (Chloromethyl) Ketone		10	10/10,000
534- 52- 1	Dinitrocresol		10	10/10,000
5344- 82- 1	Thiourea, (2-Chlorophenyl)-		100	100/10,000
535- 89- 7	Crimidine		100	100/10,000

CAS No.	Chemical Name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
53558- 25- 1	Pyriminil	h	100	100/10,000
538- 07- 8	Ethylbis (2-Chloroethyl) Amine	h	500	500
54- 62- 6	Aminopterin		500	500/10,000
54- 11- 5	Nicotine	c	100	100
541- 53- 7	Dithiobiuret		100	100/10,000
541- 25- 3	Lewisite	c, h	10	10
542- 88- 1	Chloromethyl Ether	h	10	100
542- 90- 5	Ethylthiocyanate		10,000	10,000
542- 76- 7	Propionitrile, 3-Chloro-		1,000	1,000
55- 91- 4	Isofluorphate	c	100	100
555- 77- 1	Tris (2-Chloroethyl) Amine	h	100	100
556- 61- 6	Methyl Isothiocyanate	b	500	500
556- 64- 9	Methyl Thiocyanate		10,000	10,000
558- 25- 8	Methanesulfonyl Fluoride		1,000	1,000
56- 25- 7	Cantharidin		100	100/10,000
56- 72- 4	Coumaphos		10	100/10,000
56- 38- 2	Parathion	c	10	100
563- 12- 2	Ethion		10	1,000
563- 41- 7	Semicarbazide Hydrochloride		1,000	1,000/10,000
57- 74- 9	Chlordane		1	1,000
57- 14- 7	Dimethylhydrazine		10	1,000
57- 47- 6	Physostigmine	d	1	100/10,000
57- 64- 7	Physostigmine, Salicylate (1:1)	d	1	100/10,000
57- 57- 8	Propiolactone, Beta-		10	500
57- 24- 9	Strychnine	c	10	100/10,000
58- 89- 9	Lindane		1	1,000/10,000
58- 36- 6	Phenoxarsine, 10,10'-Oxydi-		500	500/10,000
58270- 08- 9	Zinc, Dichloro (4,4-Dimethyl-5 (((Methylamion) Carbonyl) Oxy) Imion) Pentanenitrile)-, (T- 4)-		100	100/10,000
5836- 29- 3	Coumatetralyl		500	500/10,000
584- 84- 9	Toluene 2,4-Diisocyanate		100	500
59- 88- 1	Phenylhydrazine Hydrochloride		1,000	1,000/10,000
594- 42- 3	Perchloromethylmercaptan		100	500
597- 64- 8	Tetraethyltin	c	100	100

CAS No.	Chemical Name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
60- 51- 5	Dimethoate		10	500/10,000
60- 34- 4	Methyl Hydrazine		10	500
60- 41- 3	Strychnine Sulfate		10	100/10,000
614- 78- 8	Thiourea, (2-Methylphenyl)-		500	500/10,000
62- 53- 3	Aniline	1	5,000	1,000
62- 73- 7	Dichlorvos		10	1,000
62- 75- 9	Nitrosodimethylamine	h	10	1,000
62- 38- 4	Phenylmercury Acetate		100	500/10,000
62- 74- 8	Sodium Fluoroacetate		10	10/10,000
62207- 76- 5	Cobalt, ((2,2'-(1,2-Ethanediyldis(Nitrilomethylidyn e))Bis(6-Fluorophenolato))(2-N,N',O,O')		100	100/10,000
624- 83- 9	Methyl Isocyanate		10	500
627- 11- 2	Chloroethyl Chloroformate		1,000	1,000
630- 60- 4	Ouabain	c	100	100/10,000
639- 58- 7	Triphenyltin Chloride		500	500/10,000
64- 86- 8	Colchicine	h	10	10/10,000
64- 00- 6	Phenol, 3-(1-Methylethyl)-, Methylcarbamate	d	1	500/10,000
640- 19- 7	Fluoroacetamide	j	100	100/10,000
644- 64- 4	Dimetilan	d	1	500/10,000
65- 30- 5	Nicotine Sulfate		100	100/10,000
6533- 73- 9	Thallous Carbonate	c, h	100	100/10,000
66- 81- 9	Cycloheximide		100	100/10,000
67- 66- 3	Chloroform	1	10	10,000
675- 14- 9	Cyanuric Fluoride		100	100
676- 97- 1	Methyl Phosphonic Dichloride	b	100	100
6923- 22- 4	Monocrotophos		10	10/10,000
696- 28- 6	Phenyl Dichloroarsine	h	1	500
70- 69- 9	Propiophenone, 4-Amino-	g	100	100/10,000
71- 63- 6	Digitoxin	c	100	100/10,000
72- 20- 8	Endrin		1	500/10,000
732- 11- 6	Phosmet		10	10/10,000
74- 90- 8	Hydrocyanic Acid		10	100
74- 83- 9	Methyl Bromide	1	1,000	1,000
74- 93- 1	Methyl Mercaptan	1	100	500
7446- 09- 5	Sulfur Dioxide	1	500	500



CAS No.	Chemical Name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
7446- 11- 9	Sulfur Trioxide	b	100	100
7446- 18- 6	Thallous Sulfate		100	100/10,000
7487- 94- 7	Mercuric Chloride		500	500/10,000
75- 86- 5	Acetone Cyanohydrin		10	1,000
75- 15- 0	Carbon Disulfide	1	100	10,000
75- 78- 5	Dimethyldichlorosilane	h	500	500
75- 21- 8	Ethylene Oxide	1	10	1,000
75- 79- 6	Methyltrichlorosilane	h	500	500
75- 44- 5	Phosgene	1	10	10
75- 56- 9	Propylene Oxide	1	100	10,000
75- 55- 8	Propyleneimine		1	10,000
75- 74- 1	Tetramethyllead	c, l	100	100
75- 77- 4	Trimethylchlorosilane		1,000	1,000
7550- 45- 0	Titanium Tetrachloride		1,000	100
7580- 67- 8	Lithium Hydride	b	100	100
76- 02- 8	Trichloroacetyl Chloride		500	500
760- 93- 0	Methacrylic Anhydride		500	500
7631- 89- 2	Sodium Arsenate		1	1,000/10,000
7637- 07- 2	Boron Trifluoride		500	500
7647- 01- 0	Hydrogen Chloride (gas only)	1	5,000	500
7664- 41- 7	Ammonia	1	100	500
7664- 39- 3	Hydrogen Fluoride		100	100
7664- 93- 9	Sulfuric Acid		1,000	1,000
7697- 37- 2	Nitric Acid		1,000	1,000
77- 78- 1	Dimethyl Sulfate		100	500
77- 47- 4	Hexachlorocyclopentadiene	h	10	100
77- 81- 6	Tabun	c, h	10	10
7719- 12- 2	Phosphorus Trichloride		1,000	1,000
7722- 84- 1	Hydrogen Peroxide (Conc > 52%)	1	1,000	1,000
7723- 14- 0	Phosphorus	b, h	1	100
7726- 95- 6	Bromine	1	500	500
7778- 44- 1	Calcium Arsenate		1	500/10,000
7782- 50- 5	Chlorine		10	100
7783- 70- 2	Antimony Pentafluoride		500	500
7783- 07- 5	Hydrogen Selenide		10	10
7783- 06- 4	Hydrogen Sulfide	1	100	500
7783- 00- 8	Selenious Acid		10	1,000/10,000
7783- 60- 0	Sulfur Tetrafluoride		100	100
7783- 80- 4	Tellurium Hexafluoride	k	100	100

CAS No.	Chemical Name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
7784- 34- 1	Arsenous Trichloride		1	500
7784- 42- 1	Arsine		100	100
7784- 46- 5	Sodium Arsenite		1	500/10,000
7786- 34- 7	Mevinphos		10	500
7791- 23- 3	Selenium Oxychloride		500	500
7791- 12- 0	Thallous Chloride	c, h	100	100/10,000
78- 53- 5	Amiton		500	500
78- 34- 2	Dioxathion		500	500
78- 82- 0	Isobutyronitrile	h	1,000	1,000
78- 97- 7	Lactonitrile		1,000	1,000
78- 94- 4	Methyl Vinyl Ketone		10	10
78- 71- 7	Oxetane, 3, 3-Bis (Chloromethyl)-		500	500
78- 00- 2	Tetraethyllead	c	10	100
7803- 51- 2	Phosphine		100	500
7782- 41- 4	Fluorine	k	10	500
786- 19- 6	Carbophenothion		500	500
79- 06- 1	Acrylamide	1	5,000	1,000/10,000
79- 11- 8	Chloracetic Acid		100	100/10,000
79- 22- 1	Methyl Chloroformate	h	1,000	500
79- 21- 0	Peracetic Acid		500	500
79- 19- 6	Thiosemicarbazide		100	100/10,000
80- 63- 7	Methyl 2-Chloroacrylate		500	500
8001- 35- 2	Campechlor		1	500/10,000
8065- 48- 3	Demeton		500	500
81- 81- 2	Warfarin		100	500/10,000
814- 68- 6	Acrylyl Chloride	h	100	100
814- 49- 3	Diethyl Chlorophosphate	h	500	500
82- 66- 6	Diphacinone		10	10/10,000
824- 11- 3	Trimethylolpropane Phosphite	h	100	100/10,000
86- 88- 4	ANTU		100	500/10,000
86- 50- 0	Azinphos-Methyl		1	10/10,000
88- 05- 1	Aniline, 2,4,6-Trimethyl		500	500
88- 85- 7	Dinoseb		1,000	100/10,000
900- 95- 8	Stannane, Acetoxytriphenyl-	g	500	500/10,000
91- 08- 7	Toluene 2,6-Diisocyanate		100	100
919- 86- 8	Demeton-S-Methyl		500	500
920- 46- 7	Methacryloyl Chloride		100	100
944- 22- 9	Fonofos		500	500

CAS No.	Chemical Name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
947- 02- 4	Phosfolan		100	100/10,000
95- 48- 7	Cresol, o-		100	1,000/10,000
950- 10- 7	Mephosfolan		500	500
950- 37- 8	Methidathion		500	500/10,000
98- 87- 3	Benzal Chloride		5,000	500
98- 16- 8	Benzenamine, 3-(Trifluoromethyl)		500	500
98- 07- 7	Benzotrichloride		10	100
98- 95- 3	Nitrobenzene	1	1,000	10,000
98- 13- 5	Trichlorophenylsilane	h	500	500
99- 98- 9	Dimethyl-p-Phenylenediamine		10	10/10,000
991- 42- 4	Norbormide		100	100/10,000
998- 30- 1	Triethoxysilane		500	500
999- 81- 5	Chlormequat Chloride	h	100	100/10,000

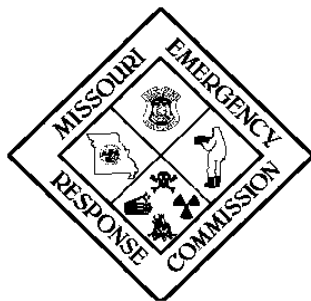
\* Only the statutory or final RQ is shown. For more information, see 40 CFR Table 302.4.

Notes:

- This chemical does not meet acute toxicity criteria. Its TPQ is set at 10,000 pounds.
- This material is a reactive solid. The TPQ does not default to 10,000 pounds for non-powder, non-molten, non-solution form.
- The calculated TPQ changed after technical review as described in the technical support document.
- Indicates that the RQ is subject to change when the assessment of potential carcinogenicity and/or other toxicity is completed.
- Statutory reportable quantity for purposes of notification under SARA sect 304 (a) (2).

CAS No.	Chemical Name	Notes	Reportable quantity * (pounds)	Threshold planning quantity (pounds)
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- f. (Reserved)
- g. New chemicals added that were not part of the original list of 402 substances.
- h. Revised TPQ based on new or re-evaluated toxicity data.
- j. TPQ is revised to its calculated value and does not change due to technical review as in proposed rule.
- k. The TPQ was revised after proposal due to calculation error.
- l. Chemicals on the original list that do not meet toxicity criteria but because of their high production volume and recognized toxicity are considered chemicals of concern ("Other chemicals").



## MISSOURI EMERGENCY RESPONSE COMMISSION

Department of Public Safety  
State Emergency Management Agency  
2302 Militia Drive, P.O. Box 3133  
Jefferson City, Missouri 65102  
Ph: 573-526-9240 or 800-780-1014 Fax: 573-526-9261  
Web Site: <http://www.sema.state.mo.us/mercc.htm>  
Tier Two Website: <http://hazmat.dps.state.mo.us>



### TIER TWO – REPORTING YEAR 2004

*Dear Business Owner or Operator:*

*We are pleased to announce that we have completed our conversion to ELECTRONIC TIER TWO REPORTING. You can log on to the Missouri Emergency Response Commission's Tier Two website at <http://hazmat.dps.mo.gov> to access this new reporting procedure. The MERC staff has entered all manually submitted 2003 Tier Two Reports into the database. Once you have requested a USER ID and PASSWORD on the website and we have "linked" your User ID to your facility or facilities, you will be able to access your previous year's report(s), copy and modify (or update) only the information that has changed. If you have any questions or need to be "linked", please call our office at 800-780-1014. If you have Internet access, we strongly encourage you to file electronically this year. Keep in mind that we have already entered the information if you filed a 2003 report. You would only need to copy, modify, print, sign and mail.*

*If you E-file, you will find that the Fee Calculation Worksheet is automatically completed from the information on the Tier Two report. The Worksheet must be printed, signed and mailed with a Fee Check to the Missouri Emergency Response Commission, PO Box 3133, Jefferson City, MO 65102, no later than March 1, 2005, to avoid late penalties. It is not necessary to send The MERC a copy of the Missouri Tier Two Report (again only if you E-file). However you do still need to send a copy of the Missouri Tier Two Report to your LEPC and Fire Department.*

*Our records indicate you filed a manually prepared Tier Two Report for reporting year 2003 and/or you may be required to comply with the provisions of the state and federal Emergency Planning and Community Right-to-Know Act (EPCRA) for Reporting Year 2004. These laws require certain persons or businesses with hazardous chemicals or extremely hazardous substances to provide information to the Missouri Emergency Response Commission (MERC), the Local Emergency Planning Committee (LEPC), and local fire department. The MERC has simplified the reporting by adopting the Missouri Tier Two form that is used to comply with EPCRA.*

*To assist you, we have enclosed a manual compliance packet. This packet includes a Missouri Tier Two form (the second page should be photocopied if you have more than one chemical to report) with instructions, a Fee Calculation Worksheet with instructions, a Petroleum Business Certification form, and a list of Missouri LEPCs. Please read and follow all instructions carefully. The Missouri Tier Two Form (electronic or manual) is the only approved and acceptable form for EPCRA reporting in the state of Missouri.*

*Reports and fees are due annually by March 1<sup>st</sup>. A late charge of 10% plus 1% per month is assessed on fees postmarked after March 1, 2005. Local & federal governments and family farms are required to file a Tier Two form but are exempt from paying fees. Fees are used to support LEPCs in their prevention and preparedness activities, hazardous materials response training, and to administer the program.*

*Thank you for your cooperation. If you have any questions or need assistance, please contact our office at 800-780-1014.*

*Sincerely,*

*Robert E Dopp  
MERC Executive Director*

#### **SPECIAL NOTE:**

EPCRA Federal Statute Section 313 Form "R" is to be reported to the Missouri Department of Natural Resources at 1659 East Elm Street, Jefferson City, MO 65101.

Do not send Form "R" to the MERC

**Missouri Emergency Response Commission (1) - Department of Public Safety - PO Box 3133 Jefferson City, MO 65102****TIER TWO - Emergency and Hazardous Chemical Inventory (General Information)**Page 1 of   **Important: Please read all instructions before completing form**☐ Check if information below is identical to the information submitted last year

Report period from January 1 to December 31, \_\_\_\_\_

## Facility Identification (2a) - Facility Location

Facility Name:

Street Address:

City:  State:  Zip:

Phone:  Fax:

E-Mail:  County:

## Mailing Address:

Name:

Mail Address:

City:  State:  Zip:

SIC Code:  Dun & Bradstreet Number: NAICS Code:  TRI Number: 

Latitude: D:  M:  S:  Longitude: D:  M:  S:

Fire Department with Jurisdiction Are Any Explosive Listed? ☐ Yes ☐ NoLand Owner: ☐ Other ☐ Family Farm ☐ Pipeline ☐ Local/Federal Government

## Owner/Operator Information (2b)

Name:

Mail Address:

City:  State:  Zip:

Phone:  Fax:

E-Mail:

## Regulatory point of Contact Information (2c)

Name:

Mail Address:

City:  State:  Zip:

Phone:  Fax:

E-Mail:

## Emergency Contact Information (2d)

Name:  Title:

Phone:  24 hr. Phone:

Name :  Title:

Phone :  24 hr. Phone:

Submission for Reporting Year: ☐ Initial ☐ Update**Certification (Read and sign after completing all sections)**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through   2  , and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner/operator OR owner/operator's authorized representative

Name  Title  Signature  Date Signed **Optional Attachments**

- ☐ I have attached a site plan
- ☐ I have attached a list of site coordinate abbreviations
- ☐ I have attached a description of dikes and other safeguard measures

[Next Page](#)

**Missouri Emergency Response Commission (1) - Department of Public Safety - PO Box 3133 Jefferson City, MO 65102****TIER TWO - Emergency and Hazardous Chemical Inventory (General Information)**

Page \_\_ of \_\_

Facility Name: <input style="width: 250px;" type="text"/> City: <input style="width: 150px;" type="text"/> State: <input style="width: 50px;" type="text"/> Zip: <input style="width: 70px;" type="text"/>	Emergency Contact Name <input style="width: 130px;" type="text"/> 24 hr. Phone <input style="width: 110px;" type="text"/>
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<b>Chemical Description (3)</b> <input type="checkbox"/> <input type="checkbox"/> Check if info is same as last year. CAS: <input style="width: 80px;" type="text"/> Trade Secret: <input type="checkbox"/> Chemical Name: <input style="width: 360px;" type="text"/> Check all that apply:    ( <input type="checkbox"/> <input type="checkbox"/> )    ( <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> ) <input type="checkbox"/> Pure    Mix            Solid    Liquid    Gas            EHS EHS Name: <input style="width: 250px;" type="text"/>	<b>Physical and Health Hazards (4)</b> Check all that apply: <input type="checkbox"/> Fire <input type="checkbox"/> Sudden Release of Pressure <input type="checkbox"/> Reactivity <input type="checkbox"/> Immediate (Acute) <input type="checkbox"/> Delayed (Chronic)	<b>Inventory (5)</b> Max Daily Amount Code: <input style="width: 80px;" type="text"/> Avg. Daily Amount Code: <input style="width: 80px;" type="text"/> No. of Days on Site Per Year: <input style="width: 80px;" type="text"/> <input type="checkbox"/> Optional Report
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<b>Storage Codes and Locations (6) (Note: This information is Not Confidential)</b>		
Code:	<input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> Container    Pressure    Temperature	Storage Location: <input style="width: 440px;" type="text"/>
Code:	<input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> Container    Pressure    Temperature	Storage Location: <input style="width: 440px;" type="text"/>
Code:	<input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> Container    Pressure    Temperature	Storage Location: <input style="width: 440px;" type="text"/>
Code:	<input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> Container    Pressure    Temperature	Storage Location: <input style="width: 440px;" type="text"/>
Code:	<input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> Container    Pressure    Temperature	Storage Location: <input style="width: 440px;" type="text"/>
Code:	<input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> Container    Pressure    Temperature	Storage Location: <input style="width: 440px;" type="text"/>
Code:	<input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> Container    Pressure    Temperature	Storage Location: <input style="width: 440px;" type="text"/>
Code:	<input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> <input style="width: 40px;" type="text"/> Container    Pressure    Temperature	Storage Location: <input style="width: 440px;" type="text"/>

**Certification (Read and sign after completing all sections)**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through \_\_, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner/operator OR owner/operator's authorized representative

Name \_\_\_\_\_ Title \_\_\_\_\_ Signature \_\_\_\_\_ Date Signed \_\_\_\_\_

[Previous Page](#)



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# TIER TWO INSTRUCTIONS

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## GENERAL INFORMATION

### **WHO MUST SUBMIT THIS FORM?**

The owner or operator of a facility where hazardous chemicals are used, produced, or stored must submit a Tier Two Form if the quantity of hazardous chemicals on hand exceeds specific thresholds (see below). The Missouri Tier Two Form is required instead of the Tier I form.

### **WHAT CHEMICALS MUST BE REPORTED?**

Any substance for which your facility must keep a material safety data sheet (MSDS) under OSHA's Hazard Communication Standard is classified as a "hazardous chemical". Any "hazardous chemical" that your facility has more than ten thousand (10,000) pounds of on hand at any one time during the calendar year must be reported on the Missouri Tier Two form. A partial list of hazardous chemicals may be found on the internet at <http://www.epa.gov/ceppo/caalist.html> but the simplest way to determine if a chemical is required to be reported is (1) OSHA required MSDS and (2) 10,000 pounds on hand.

*Extremely Hazardous Substances* (EHS) as specified in 40 CFR Part 355 must be reported on the Tier Two form if a facility has on hand at any one time during the calendar year more than five hundred (500) pounds or the threshold planning quantity (TPQ), whichever is lower. To obtain a list of extremely hazardous substances, contact the Missouri Department of Public Safety, Missouri Emergency Response Commission at 800-780-1014 or go to <http://www.epa.gov/ceppo/pubs/title3.pdf> on the Internet.

Under Missouri law, explosives and blasting agents in excess of one hundred (100) pounds must be reported to the fire department within 24 hours of being present at a facility. If storage is longer than 15 days, these substances must be reported to the fire department, the LEPC, and the Missouri Emergency Response Commission using the Missouri Tier Two form. This requirement does not apply to materials in transit provided that the transporter is in compliance with U.S. Department of Transportation regulations.

### **WHAT CHEMICALS ARE EXCLUDED?**

Section 311(e) of Title III EPCRA excludes the following substances:

- (1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- (2) Any substance present as a solid in a manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- (3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- (4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
- (5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer. (This exclusion does not apply to the one-time reporting of extremely hazardous substances under Section 302 of EPCRA.)

## **WHEN TO SUBMIT THIS FORM**

Owners or operators of facilities that have hazardous chemicals on hand in quantities equal to or greater than set threshold levels must submit Missouri Tier Two forms by March 1<sup>st</sup> of each year. The information required must be reported to the Missouri Emergency Response Commission and the Local Emergency Planning Committee within sixty (60) days of a new extremely hazardous substance being present at the facility at or above the threshold planning quantity (TPQ) (*11 CSR40-4.040 (1)*). If any new hazardous chemical or extremely hazardous substance comes onto the site in a quantity sufficient to require reporting, an updated Missouri Tier Two form must be provided within three (3) month (*11 CSR40-4.040 (1)(D)(2)*).

## **WHERE TO SEND YOUR COMPLETED TIER TWO:**

Send a completed, signed Missouri Tier Two form to each of the following organizations:

- (1) Missouri Emergency Response Commission  
P.O. Box 3133  
Jefferson City, MO 65102
- (2) Your Local Emergency Planning Committee (LEPC) (A list is located on the MERC web page at <http://www.sema.dps.mo.gov/mercc.htm> under “LEPC Addresses”)
- (3) The fire protection service that covers your facility

## **PENALTIES:**

Any owner or operator who violates any Tier Two reporting requirements shall be liable to the United States for civil penalty of up to \$27,500 per day for each such violation. Each day a violation continues shall constitute a separate violation. Under Missouri law, there is also a penalty of up to \$5,000 per day for failure to provide the type of information required on the Missouri Tier Two form.

# FORM INSTRUCTIONS

**YOU MUST PROVIDE ALL INFORMATION REQUESTED** (*40 CFR 370.40*)

(“E-MAIL” MAY BE LEFT BLANK IF NOT APPLICABLE.)

(NUMBERS REFERENCE THE SECTION ON THE TIER TWO FORM)

### **Page 1.     Reporting period, page numbers**

(The correct reporting year and page numbers are entered automatically when filing on-line.)

Enter the correct calendar year. (NOTE: March 1 Tier Two Reporting covers previous year inventories (i.e. report due 03/01/2006 covers period of 1/1/2005 - 12/31/2005). The manual Missouri Tier Two form allows for one chemical per page. If there is more than one chemical on site, photocopy page 2 of the report as needed, enter the page number and the total number of pages. Do not list more than one chemical per page.

### **2a.     Facility Identification**

Enter the full name of your facility and a company identifier where appropriate. Enter the full street address as assigned by your local 911. If a 911 street address is not available, enter other information that describes the physical location of the facility (such as Highway, Route

or County Road). Include city, state and zip code. Also complete the telephone numbers (voice and fax), E-mail address and county in which the facility is located. If you do not have an E-mail address, leave this field blank. Do not enter your company's website address as the computer will only accept a valid e-mail address.

**Mailing Address:**

Enter the name and mailing address for delivery of all correspondence and future Missouri Tier Two Information Packets.

**Codes and Locations:**

Enter the Standard Industrial Classification (SIC) (*four-digit code*) and the North American Industry Classification System (NAICS)(*six-digit code*). You can obtain the appropriate SIC and NAICS for your facility by clicking on the link **FIND SIC/NAICS CODES** if you are entering on-line, by going to <http://www.census.gov/epcd/www/naics.html> on the internet or by calling the MERC at 800-780-1014.

Contact the regional office of Dun & Bradstreet if you do not know your facility's number or if you want to have one assigned at 800-333-0505, or on-line at <http://www.dnb.com/us/index.asp>. When entering on-line, do not use the dash (-) in your Duns number, as this field is numeric only.

The TRI# is an identification number issued by the EPA to manufacturing facilities that have routine releases of toxic chemicals into the environment. If this does not apply to your facility, leave this field blank.

Enter the Latitude and Longitude in Degrees, Minutes and Seconds for the physical location of the reporting facility. This information is available on-line at <http://www.maporama.com/share/> or click on the link **FIND LAT & LONG** if entering on the internet. If you have the information in degrees only, i.e. 38.625749 degrees, convert this number to minutes and seconds as follows:

If location is 38.625749 deg. 38 deg.  
Divide number to the right of the decimal (.625749) by .0166667 (1/60<sup>th</sup>) = 37.655865  
(Do not round up) or 37 min.  
Divide number to the right of the decimal (.655865) by .0166667 (1/60<sup>th</sup>) = 32.691835  
(OK to round up) or 33 sec.

Enter the Fire Department with jurisdiction of the facility being reported.

Indicate whether explosives are being reported.

Indicate whether the facility you are reporting on is a family farm, a pipeline, or owned by a local government. Family farms and local governments are exempt from paying fees, however, a signed fee sheet must be sent to the MERC. A "FAMILY FARM" is defined as "an unincorporated farming unit owned or leased by one or more persons residing on the farm or actively engaged in farming."

2b. **Owner/Operator Information**

Enter the owner(s) or operators(s) full name, mailing address, phone numbers (voice & fax) and E-mail address (if available).

2c. **Regulatory point of Contact Information**

This is where you enter your name. The regulatory point of contact is whom we would contact if we have questions regarding information provided on this report. Enter the full name, mailing address, phone numbers (voice & fax) and E-mail address (if available) for

this person.

2d. **Emergency Contact Information**

Enter the name, title, and work phone number of two local persons who can be called if emergency responders need assistance in responding to an incident at or around the facility. *Provide an emergency phone number where such emergency information will be available after normal working hours, 24 hours a day, every day. This requirement is mandatory. The facility must make some arrangement to ensure that 24-hour contacts are available.* (40 CFR 370.40) Also, the first person listed under “Emergency Contacts” is the facility emergency coordinator as described in 40 CFR Part 355.30©.

**Initial Submission or Update**

Indicate whether this is the initial submission for the reporting year, or an update that is being sent because your facility is using, producing, or storing additional hazardous chemicals that were not reported earlier. (See “**WHEN TO SUBMIT THIS FORM**”)

**Certification**

The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier Two submission is true, accurate, and complete.

**For manual reporting**, enter your full name and official title on the first page of the Tier Two report. Sign your name and enter the current date. *An original signature is required on at least the first page of the submission. Submissions to the Missouri Emergency Response Commission, LEPC, and fire department must each contain an original signature on at least the first page. Subsequent pages must contain either an original signature, a photocopy of the original signature, or a signature stamp. Each page must contain the date on which the original signature was affixed to the first page of the submission and the total number of pages in the submission.* (40 CFR Part 370.41)

**For electronic reporting**, the report must be filed by the owner or operator or the officially designated representative of the owner or operator. Since the e-filing system involves User IDs and Passwords restricted to persons with approved filer status and since a certification statement appears on the printed Electronic Tier Two Report, the Missouri Department of Public Safety believes this satisfies certification requirements.

**Optional Attachments**

If you choose to attach one of the following, check the appropriate attachments box at the bottom of the Tier Two form. If you are filing on-line, use the **browse...** function to attach the documentation electronically.

- (1) A site plan with site coordinates indicated for buildings, lots, and areas throughout your facility.
- (2) A list of site coordinate abbreviations that correspond to buildings, lots and areas throughout your facility.
- (3) A description of dikes and other safeguard measures for storage locations throughout your facility.

Page 2. (3) **Chemical Description**

This section of the Tier Two form requires specific information on amounts and locations of hazardous chemicals as defined in the OSHA Hazard Communication Standard.

Enter the Chemical Abstract Service (CAS) registry number. This number can be found on the Material Safety Data Sheet or click on **FIND CHEMICAL/CAS #** when entering on-line or on the Internet at <http://www.chemfinder.com>. For mixtures, enter the CAS number of the mixture as a whole if it has been assigned a number distinct from its constituents. For a

mixture that has no CAS number, report the CAS number of the primary hazardous chemical in the mixture.

If a chemical is a “Trade Secret” and you are withholding the chemical name in accordance with criteria specified in *EPCRA Section 322*, enter the generic CAS number and class or category that is structurally descriptive of the chemical and check the box marked “Trade Secret”. Trade Secret information should be submitted to EPA and must include substantiation. Please refer to EPA’s final regulation on trade secrecy (*40 CFR part 350*) for details.

Enter the chemical name or common name of each hazardous chemical, check all boxes that apply: “pure or mixture”; and “solid, liquid or gas”; and indicate whether the chemical is or contains an Extremely Hazardous Substance (EHS). If the chemical is a mixture containing an EHS, enter the chemical name of each EHS in the mixture.

(4) **Physical and Health Hazards**

For each chemical you have listed, check all the physical and health hazard boxes that apply. This should be detailed on the Material Safety Data Sheet. These hazard categories are defined in *40 CFR Part 370.2*. The two health hazard categories and three physical hazard categories are a consolidation of the 23 hazard categories defined in the OSHA Hazard Communication Standard, *29 CFR 1910.1200*.

HAZARD CATEGORY COMPARISON FOR REPORTING UNDER SECTION 311-312	
EPA Hazard Categories	OSHA Hazard Categories
Fire Hazard	Flammable Combustion Liquid Pyrophoric Oxidizer
Sudden Release of Pressure	Explosive Compressed Gas
Reactive	Unstable Reactive Organic Peroxide Water Reactive
Immediate (Acute) Health Hazards	Highly Toxic Toxic Irritant Sensitizer Corrosive Other hazardous chemicals with an adverse effect with short term exposure
Delayed (Chronic) Health Hazard	Carcinogens (cancer causing). Other chemicals with an adverse effect with long term exposure

(5) **Inventory**

**Maximum Amount** - For each hazardous chemical, estimate the greatest amount in pounds present at your facility on any single day during the calendar year. Find the appropriate range value code in Table I. Enter this range value as the Maximum Amount.

**Average Daily Amount** - For each hazardous chemical, estimate the average daily weight in pounds that was present at your facility during the year. To do this, total all daily weights

and divide by the number of days the chemical was present on the site. Find the appropriate range value in Table I and enter this range value as the Average Daily Amount.

**TABLE I - REPORTING RANGES**

Range Value	Weight Range in Pounds		Range Value	Weight Range in Pounds	
	From	To		From	To
01	0	99	06	1,000,000	9,999,999
02	100	999	07	10,000,000	49,999,999
03	1,000	9,999	08	50,000,000	99,999,999
04	10,000	99,999	09	100,000,000	499,999,999
05	100,000	999,999	10	500,000,000	999,999,999
			11	1 Billion	higher than 1 billion

**Calculate all amounts as weight in pounds.** To convert gas or liquid volume to weight in pounds, multiply by the appropriate density (found on MSDS). Use the corresponding Range Value Code from Table I above as your entry on the report.

If a chemical is part of a mixture, you have the option of reporting either the weight of the entire mixture or only the portion of the mixture that is a particular hazardous chemical. For example, if a hazardous solution weighs 100 pounds, but is composed of only 5 percent of a particular hazardous chemical, you can indicate either 100 pounds of the mixture or five pounds of the chemical. Calculate the total for a particular substance by adding the amounts of the chemical in all the locations where it is found at your facility.

Enter the estimated number of days that the hazardous chemical was found on-site.

If you are reporting this chemical even though it is present in quantities below the reporting threshold, mark the "Optional Report" box. These materials will not be included in the fee calculations.

(6). **Storage Codes and Locations**

List all non-confidential chemical locations in this column, along with storage containers and the conditions associated with each location. Please note that a particular chemical may be located in several places around the facility. Each row of boxes followed by a line represents a unique storage type and/or location for the same chemical.

**CONTAINER STORAGE CODES**  
(Enter in the First Box)

<u>Codes</u>	<u>Types of Storage</u>
A	Above ground tank
B	Below ground tank
C	Tank inside building
D	Steel drum
E	Plastic or non-metallic drum
F	Can
G	Carboy
H	Silo
I	Fiber drum
J	Bag
K	Box
L	Cylinder
M	Glass bottles or jugs
N	Plastic bottles or jugs
O	Tote bin
P	Tank Wagon
Q	Rail Car
R	Other

<b>Pressure Codes (Enter in the Second Box)</b>		<b>Temperature Codes (Enter in the Third Box)</b>	
<b>Codes</b>	<b>Storage Conditions (Pressure)</b>	<b>Codes</b>	<b>Storage Conditions (Temperature)</b>
1	ambient pressure	4	ambient temperature
2	greater than ambient pressure	5	greater than ambient temperature
3	less than ambient pressure	6	less than ambient temperature, but not cryogenic
ambient = surrounding		7	cryogenic conditions
cryogenic = extremely cold liquefied gas			

Provide a brief description of the precise location of the chemical, so that emergency responders can locate the area easily. You may find it advantageous to provide the optional site plan or site coordinates. For each chemical, indicate at a minimum the building or lot. Where practical, the room or area may be indicated.

If the chemical is present in more than one building, lot or area, continue your responses down the page as needed. If the chemical exists everywhere at a plant site simultaneously, you may report that the chemical is ubiquitous at the site. (40 CFR Part 370.41)

#### **Confidential Storage Location Information**

Under Section 324 of EPCRA, you may elect to have certain location information held as confidential. If you choose to do so, write "Confidential" in the location field and complete a "Confidential Location Information Sheet" accessed from the Tier Two Home Page or contact the Missouri Emergency Response Commission for instructions.

## **PLEASE NOTE:**

- ❖ Do not submit material safety data sheets (MSDS) to the Missouri Emergency Response Commission in Jefferson City.
- ❖ LEPCs and fire departments may request an MSDS at a later date for a substance(s) listed on your Missouri Tier Two form.
- ❖ **IF REPORTING MANUALLY**, Signed Hard Copies must be sent to the required agencies as stated in the instructions on our web page as required by *40 CFR 370.41* . You can log on to the MERC web site at: <http://www.sema.dps.mo.gov/mercc.htm> and go to Tier Two Reports for information on our electronic reporting.
- ❖ **TO PRINT ELECTRONICALLY SUBMITTED TIER TWO REPORTS FOR YOUR FILES:** Upon completing data entry, return to “Facilities List”, click on “View Tier Two” immediately to the right of the facility name. This will display the data in Tier Two Report format. Go to “File”, “Page setup” and set Layout to “Landscape” and set the margins to the smallest possible setting and hit “Print”. Since each page of the report is a different screen on the internet, you must print each page or screen separately.



**Missouri Emergency Response Commission - Department of Public Safety - PO Box 3133 Jefferson City, MO 65102****TIER TWO - Emergency and Hazardous Chemical Inventory (General Information)****Received By/Date****Page 1 of 2****Important: Please read all instructions before completing form    Report period from January 1 to December 31, 1999****[ ] Check if information below is identical to the information submitted last year**

## Facility Identification (2a) - Facility Location

Facility Name: **XYZ Company**  
 Street Address: **123 Progress Lane**  
 City: **Jefferson City** State: **MO** Zip: **65101**  
 Phone: **555-555-5555** Fax: **555-555-5556**  
 E-Mail: **ceo@xyzcompany.com** County: **Cole**

## Mailing Address:

Name: **XYZ Company**  
 Mail Address: **P.O. Box 654**  
 City: **Jefferson City** State: **MO** Zip: **65101**

SIC Code: **3210** Dun & Bradstreet Number: **789456123**

NAICS Code: **12345** TRI Number: **9876543210987**

Latitude: **D: 111 M: 40 S: 40** Longitude: **D: 32 M: 25 S: 32**

Fire Department with Jurisdiction **Jefferson City Fire Department #2**

Are Any Explosive Listed? **No**

Land Owner: **Other**

## Owner/Operator Information (2b)

Name: **John Smith**  
 Mail Address: **1300 Superior Drive**  
 City: **Jefferson City** State: **MO** Zip: **65109**  
 Phone: **555-444-3333** Fax: **555-444-3332**  
 E-Mail: **jsmith@xyzcompany.com**

## Regulatory point of Contact Information (2c)

Name: **Walter Jonez**  
 Mail Address: **123 Progress Lane**  
 City: **Jefferson City** State: **MO** Zip: **65101**  
 Phone: **555-555-5555** Fax: **555-555-5556**  
 E-Mail: **wjonez@xyzcompany.com**

## Emergency Contact Information (2d)

Name: **John Smith** Title: **President**  
 Phone: **555-444-3333** 24 hr. Phone: **555-444-3333**  
 Name: **Donald Ray** Title: **Emergency Coordinator**  
 Phone: **555-555-5555** 24 hr. Phone: **555-556-5455**

Submission for Reporting Year: ☒ Initial ☐ Update

**Certification (Read and sign after completing all sections)**

**I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through 2, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.**

**Optional Attachments**

☐ I have attached a site plan  
☐ I have attached a list of site coordinate abbreviations  
☐ I have attached a description of dikes and other safeguard measures

**Name and official title of owner/operator OR owner/operator's authorized representative**

Name John Smith Title Owner Signature \_\_\_\_\_ Date Signed 10/10/2000

## Missouri Emergency Response Commission - Department of Public Safety - PO Box 3133 Jefferson City, MO 65102

## TIER TWO - Emergency and Hazardous Chemical Inventory (Chemical Specifics)

Page 2 of 2

Facility Name: <b>XYZ Company</b> City: <b>Jefferson City</b> State: <b>MO</b> Zip: <b>65101</b>	Emergency Contact Name <b>John Smith</b> 24 hr. Phone <b>555-444-3333</b>
---	--

<b>Chemical Description (3)</b> [ ] Check if info is same as last year.  CAS: <b>123456-12-1</b> Trade Secret: <input type="checkbox"/> Chemical Name: <b>TopSecret</b> Check all that apply:    ( <input type="checkbox"/> <input checked="" type="checkbox"/> )    ( <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> ) <input checked="" type="checkbox"/> Pure      Mix      Solid      Liquid      Gas      EHS EHS Name: <b>Top Secret Chemical</b>	<b>Physical and Health Hazards (4)</b> Check all that apply: <input checked="" type="checkbox"/> Fire <input checked="" type="checkbox"/> Sudden Release of Pressure <input type="checkbox"/> Reactivity <input checked="" type="checkbox"/> Immediate (Acute) <input checked="" type="checkbox"/> Delayed (Chronic)	<b>Inventory (5)</b> Max Daily Amount Code: <b>4</b> Avg. Daily Amount Code: <b>4</b> No. of Days on Site Per Year: <b>365</b> <input type="checkbox"/> Optional Report
--	--	---

<b>Storage Codes and Locations (6) (Note: This information is Not Confidential)</b>	
Code: <b>L</b> <b>2</b> <b>5</b> Container      Pressure      Temperature	Storage Location: <b>Warehouse Containment Room, Building Basement, 10 Ft. From NW Wall</b>

<b>Chemical Description (3)</b> [ ] Check if info is same as last year.  CAS: <b>123456-12-2</b> Trade Secret: <input checked="" type="checkbox"/> Chemical Name: <b>XYZ Special Liquid</b> Check all that apply:    ( <input type="checkbox"/> <input checked="" type="checkbox"/> )    ( <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> ) <input checked="" type="checkbox"/> Pure      Mix      Solid      Liquid      Gas      EHS EHS Name: <b>Top Secret Liquid</b>	<b>Physical and Health Hazards (4)</b> Check all that apply: <input checked="" type="checkbox"/> Fire <input checked="" type="checkbox"/> Sudden Release of Pressure <input checked="" type="checkbox"/> Reactivity <input checked="" type="checkbox"/> Immediate (Acute) <input type="checkbox"/> Delayed (Chronic)	<b>Inventory (5)</b> Max Daily Amount: <b>4</b> Avg. Daily Amount: <b>3</b> No. of Days on Site Per Year: <b>250</b> <input type="checkbox"/> Optional Report
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<b>Storage Codes and Locations (6) (Note: This information is Not Confidential)</b>	
Code: <b>D</b> <b>3</b> <b>7</b> Container      Pressure      Temperature	Storage Location: <b>Warehouse Containment Room, Building Basement</b>
Code: <b>D</b> <b>3</b> <b>7</b> Container      Pressure      Temperature	Storage Location: <b>XYZ Excess Storage</b>

**Certification (Read and sign after completing all sections)**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through \_\_\_, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.

Name and official title of owner/operator OR owner/operator's authorized representative

Name John Smith    Title Owner    Signature \_\_\_\_\_ Date Signed 10/10/2000



MISSOURI DEPARTMENT OF PUBLIC SAFETY  
MISSOURI EMERGENCY RESPONSE COMMISSION  
**FEE CALCULATION WORKSHEET**

**1** DATE

PAGE

OF

**NOTE** ► PLEASE READ AND FOLLOW INSTRUCTIONS

<b>2</b> NAME OF BUSINESS		ADDRESS				CITY					
STATE		ZIP CODE		CONTACT PERSON				TELEPHONE NUMBER			
<b>3</b> <b>A</b> <b>FACILITY COUNTY OR ST. LOUIS CITY</b> Alphabetically	<b>B</b> <b>FACILITY NAME</b> Alphabetically within County	<b>C</b> <b>FACILITY STREET, CITY</b>	<b>D OR E</b> <b>FACILITY TYPE</b>		<b>F</b> <b>REPORTABLE CHEMICALS #</b> \$20 each after 3	<b>G</b>	<b>H</b> <b>LESS COMBINED PETROLEUM</b>	<b>I</b> <b>J</b> <b>CALCULATED AMOUNT</b> D or E + G - I	<b>K</b> <b>DPS USE</b> <b>X = _____</b>		
			Retail, Petroleum \$50	Other \$100							
<b>9</b> <b>CERTIFICATION</b> <i>(Read and sign after completing all sections)</i>  I certify under penalty of law that I have personally examined and am familiar with the information submitted in pages one through _____, and that based on my inquiry of those individuals responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete.		<b>4</b> Total of Calculated Amount Column (J)				\$		<b>DPS USE ONLY</b>			
<b>5</b> Subtract Federal Transportation Fees. Petroleum Business Certification (attached) must be completed to qualify.				-		Acct. Dist. 844-58701-1297					
<b>6</b> Base Amount Owed (See instructions)											
<b>7</b> Late Charges (10% for receipt after March 1 plus 1% per month)						844-58701-1645					
<b>8</b> <b>TOTAL AMOUNT OWED</b>				\$		DATE					
NAME AND OFFICIAL TITLE OF OWNER/OPERATOR OR OWNER/OPERATOR'S AUTHORIZED REPRESENTATIVE				SIGNATURE				DATE SIGNED			

*Instructions for completing the Hazardous Chemical Inventory*

***FEE CALCULATION WORKSHEET***

***Missouri Revised Statutes 292.606***

***As set forth in 11 CSR 40-4.050 Hazardous Chemical Fees***

***For Missouri's Emergency Planning and Community Right-to-Know Act  
EPCRA***

In 1992, the Missouri legislature approved a new law requiring employers that must file Tier Two forms (or hazardous chemical inventory forms) under Missouri's Emergency Planning and Community Right-to Know Act (EPCRA) to submit fees along with those forms (Section 292.606 RSMo). These fees are to support local efforts to prevent and prepare for chemical hazards (65%), provide hazardous materials training (10%), and to implement Missouri's EPCRA program (25%).

**I. General**

Please read and follow these instructions carefully. If the Fee Calculation Worksheet is not completed correctly, it will be returned to you for corrections and re-submittal. The business owner or operator is responsible for calculating the correct amount of fees to be paid and remitting it. If you have questions or difficulty, contact your industry association for help or call the Missouri Emergency Response Commission at 800-780-1014.

**II. Who must pay?**

Each business operating in Missouri that is required to file Tier Two forms for facilities in Missouri under the state or federal Emergency Planning and Community Right-to-Know Act (EPCRA) must calculate and submit these fees. Family farm operations and local government facilities are exempt from paying these fees (*11 CSR 40-4.050*). However a signed fee calculation worksheet is still required to be sent to the MERC. A family farm is "an unincorporated farming unit owned or leased by one or more persons residing on the farm or actively engaged in farming." State government facilities are not exempt from paying fees. See the Tier Two form instructions to see which chemicals in what amounts must be reported. If you are exempt from paying fees, please file your Tier Two form indicating "Family Farm" or "Local Government" on page 1. **PIPELINES:** Employers engaged in transporting hazardous chemicals by pipeline, except local gas distribution companies regulated by the Missouri Public Service Commission, shall pay a fee of two hundred fifty dollars (\$250) for each county in which they operate (*11 CSR 40-4.050*).

**III. Late Charges:**

State law provides for a late charge of 10% of the fees owed, plus 1% per month of the total, will be assessed on payments not received or postmarked by March 1<sup>st</sup>. (*11 CSR 40-4.050*)

**IV. Instructions:**

Type or print clearly.

1. Enter the date and worksheet page number in Section 1 of the worksheet. If there is more than one page, indicate the total number of pages.
2. Enter the business name, address, phone number and the name of the person(s) to be contacted if there are any questions about your submittal. Each individual business or corporation must file separately.
3. Complete Columns A through J for each facility reported on Tier Two forms:

**COLUMN:**

- A. FACILITY COUNTY OR ST. LOUIS CITY: List the County for each of your facilities in alphabetical order.
  - B. FACILITY NAME: List each of your facilities alphabetically by Facility Name within each county.
  - C. FACILITY STREET, CITY: Enter the Street Address and City for each facility.
  - D. FACILITY TYPE, RETAIL PETROLEUM: A “petroleum retail facility” is defined as “a facility where more than 50% of the hazardous materials revenues from the retail sale and delivery of gasoline, diesel fuel and propane to the general public at the facility” (11 CSR 40-4.02). If the facility being reported is a “petroleum retail facility”, enter \$50 in Column D (11 CSR 40-4.050).
  - E. FACILITY TYPE, OTHER: All reporting facilities, except petroleum retail facilities or pipelines, enter \$100 in Column E (11 CSR 40-4.050). Pipelines enter \$250 in Column E (11 CSR 40-4.050).
  - F. REPORTABLE CHEMICALS, #: Count the number of Reportable Chemicals on the Tier Two form for each facility and enter that number in Column F. NOTE: Chemicals listed on the Tier Two form that are less than the reportable quantity should be marked as “Optional Report” and not included when calculating the number of Reportable Chemicals.
  - G. REPORTABLE CHEMICALS, \$: If the number in Column F is three or less, enter \$0 in Column G. If the number in Column F is greater than three, subtract 3 from it and multiply the remainder by \$20.00, entering the total amount in Column G (11 CSR 40-4.050).
  - H. LESS COMBINED PETROLEUM, #: A provision in the Missouri law states that “for the purpose of calculating fees, all grades of gasoline are considered to be one product; all grades of heating oils, diesel fuels, kerosene, naphtha, aviation turbine fuel, and all heavy distillate products except for grades of gasoline are considered to be one product, and all varieties of motor lubricating oil are considered to be one product” (11 CSR 40-4.050). If this situation is applicable to your report, indicate in Column H the difference between the number of Reportable Chemicals as reported on the Tier Two form for the facility and the number of chemicals calculated for the fees. **Example:** if you report fuel oil #5, diesel #2 and naphtha, you can consider these to be one product for the purpose of calculating fees. The difference between the number of Reportable Chemicals (3) and the number of chemicals for the purpose of calculating fees (1) is 2, so 2 would be entered in Column H.
  - I. LESS COMBINED PETROLEUM, \$: If the Reportable Chemicals exceeded 3 in Column F, resulting in additional fees in Column G, multiply the number in Column H by \$20 and enter this amount in Column I. NOTE: you may not deduct more in Column I than the amount shown in Column G.
  - J. CALCULATED AMOUNT: Determine the amount for each facility (Column D or E +G-I). The Calculated Amount for a petroleum retail facility can be no less than \$50.00. The Calculated Amount for Pipelines is \$250.00. The Calculated Amount for all other facilities can be no less than \$100.
4. **Total the Calculated Amount** (Column J) and enter this on Line 4. If you are reporting for more than 7 facilities, carry this total to Line 4 of the subsequent page(s) of the Worksheet needed to include all facilities.

5. **Subtract Federal Transportation Fees.** Petroleum-Related Employers (as defined in *11 CSR 40-4.020*) have the option of subtracting Federal Transportation Fees from the Calculated Amount. In order to deduct transportation fees, you must complete and submit the attached "Petroleum Business Certification" along with a copy of your receipt for payment of the Federal Transportation Fees under section 117(A)(h) of the Federal Hazardous Materials Transportation Act (*11 CSR 40-4.050*). Enter the amount of Federal Transportation Fees paid on Line 5.
6. **Base Amount Owed.** Calculate the Base Amount Owed by subtracting Federal Transportation Fees (Line 5) from the Calculated Amount (Line 4) and enter difference on Line 6. If this is zero (0) or less, enter zero (0) on Line 6. Any one employer shall not be required to pay more than ten thousand dollars (\$10,000) per year in fees to MERC (*11 CSR 40-4.050*). If the total of Line 4 less Line 5 is more than \$10,000, enter only \$10,000 on Line 6.
7. **Late Charges.** A late charge of ten percent (10%) of the fees owed will be assessed for fees that are not paid on time. An additional one percent (1%) per month of fees owed plus late charges will also be assessed for late submittal of fees (*11 CSR 40-4.050*). Complete only if filing and remitting after March 1 for previous calendar year.
8. **Total Amount Owed.** Calculate Total Amount Owed by adding the Base Amount Owed (Line 6) and Late Charges (Line 7), entering Total Amount in Line 8.
9. **Certification.** Sign and date the Fee Calculation Worksheet Certification statement.

*Send a check or money order for the Total Amount Owed along with the Fee Calculation Worksheet(s), Tier Two form(s) and other necessary documents (such as Petroleum Business Certification and USDOT fee receipt, if applicable) to the **Missouri Emergency Response Commission, P.O. Box 3133, Jefferson City, MO 65102. Please make check or money order payable to: The MERC.***

***Thank You!***

# PETROLEUM BUSINESS CERTIFICATION

I hereby certify that I am the owner or operator of a business submitting Hazardous Chemical Inventory (Tier Two) forms under Missouri's Emergency Planning and Community Right-to-Know Act (EPCRA), and I certify that this business obtains more than fifty percent (50%) of its revenue from the sale, delivery or transportation of petroleum products. I further certify that this business paid \$ \_\_\_\_\_ in transportation fees to the US Department of Transportation under Subpart G of 49 CFR Part 107 of the Hazardous Materials Transportation Act (Chapter 51 of 49 U.S.C. Section 5108) on \_\_\_\_\_(date). **A copy of a receipt or cancelled check for these federal transportation fees is attached.**

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*NAME OF BUSINESS, FIRM OR CORPORATION*

---

*NAME OF PERSON PROVIDING CERTIFICATION*

*TITLE*

---

*SIGNATURE*

*DATE*

**This certification and specified documentation are required in order to qualify for the transportation fee deduction on Line 5 of the Fee Calculation Worksheet.**



# Explosives Reporting Requirements

If you use, store, or produce explosives, you need to supply state and local officials with information about the explosives you have on hand. To comply with the Federal Emergency Planning and Community Right-to-Know Act of 1986 and the related Missouri law, follow these steps:

1. To comply with the federal law, facilities with more than 10,000 pounds of an explosive, covered by the Occupational Safety and Health Administration (OSHA) hazard communication standard, must send a list of explosives or copies of MSDSs to the Missouri Emergency Response Commission, P.O. Box 3133, Jefferson City, MO 65102. A list of explosives or copies of MSDSs also must be sent to the local fire department and Local Emergency Planning Committee.
2. If required to submit a list of explosives or MSDSs under the federal law, you must also complete a Tier II reporting form by March 1st of each year. Tier II forms can be obtained by calling the Missouri Emergency Response Commission at 800-780-1014. Copies of your Tier II form must be submitted to the Missouri Emergency Response Commission, P.O. Box 3133, Jefferson City, MO 65102. In addition, they must be submitted to the Local Emergency Planning Committee and your local fire department.
3. The Missouri law differs from the federal law in two areas. First, the Missouri law requires "any person engaged in business" to report explosives. The federal law exempts facilities not covered by OSHA; however, these facilities are covered by the state law. Similarly, the Missouri law covers facilities operated by state and local governments.
4. The second area of difference between the state and federal laws pertain to temporary storage of explosives. Under the Missouri law, the storage of 100 pounds or more of explosives or blasting agents for less than fifteen days must be reported to the local fire department. The fire department must be notified within 24 hours of the arrival of the explosives or blasting agents at the site. This notification must describe the contents and amounts of the materials stored at the site. (If storage is more than 15 days, a list of the materials on site (or MSDS) and their amounts must be submitted to the local fire department, the Local Emergency Planning Committee, and the Missouri Emergency Response Commission (See #1 on this fact sheet)). Manufacturing and distribution facilities are **not** considered temporary storage facilities.
5. Owners and operators of all facilities are required to submit reports under the state law (including explosive storage facilities) are also required to provide visible markings on the outside of buildings, rooms, and containers where hazardous substances are present. These markings must conform to the National Fire Protection Standard 704 marking system or other pertinent federal regulations.

**For more information, contact the Missouri Emergency Response Commission at 800-780-1014.**



# 704 MARKING SYSTEM

NFPA 704 Marking System is a system developed by the National Fire Protection Association to alert emergency personnel of the type and degree of hazards within an area enabling them to more easily decide whether to evacuate the area or to commence control procedures. This standard is not applicable to transportation or to use by the general public.

**When displayed:** Used for hazards in facilities and may be found on non-bulk packaging.

**How displayed:** The system uses a diamond shaped symbol divided into four smaller diamonds.

**Symbol description:** The four smaller diamond shapes or quadrants have these specific meanings:



- Blue quadrant (left) indicates health hazard
- Red quadrant (top) indicates flammability hazard
- Yellow quadrant (right) indicates reactivity hazard
- Lower quadrant (bottom) contains symbols indicating special hazards, such as OXY of oxidizers, radioactive trefoil (propeller), W for water reactive materials.

**Degree of Hazard:** Each of the colored quadrants contain a number from 0 to 4 indicating the relative degree of hazard within the container.

NFPA 704 MARKING SYSTEM			
	HEALTH HAZARD COLOR CODE: BLUE	FLAMMABILITY HAZARD COLOR CODE: RED	REACTIVITY HAZARD COLOR CODE: YELLOW
SCALE	Type of Possible Injury	Susceptibility of Materials Burning	Susceptibility to Release of Energy
4	Materials that on a very short exposure could cause death or major residual injury.	Materials that will rapidly or completely vaporize at atmospheric pressure and normal ambient temperature or that are readily dispersed in air and that will burn readily.	Materials that in themselves are readily capable of detonation or of explosive decomposition or reaction at normal temperatures and pressures.
3	Materials that on short exposure could cause serious temporary or residual injury.	Liquids and solids that can be ignited under almost all ambient temperature conditions.	Materials that in themselves are capable of detonation or explosive decomposition or reaction but require a strong initiating source or which must be heated under confinement before initiation or which react explosively with water.
2	Materials that on intense or continued but not chronic exposure could cause temporary incapacitation or possible residual injury.	Materials that must be moderately heated or exposed to relatively high ambient temperatures before ignition can occur.	Materials that readily undergo violent chemical change at elevated temperatures and pressures or which react violently with water or which may form explosive mixtures with water.
1	Materials that on exposure would cause irritation but only minor residual injury.	Materials that must be preheated before ignition can occur.	Materials that in themselves are normally stable, but which can become unstable at elevated temperatures and pressures.
0	Materials that on exposure under fire conditions would offer no hazard beyond that of ordinary combustible materials.	Materials that will not burn.	Materials, which in themselves are normally stable, even under fire exposure conditions and which are not reactive with water.

Source: NFPA, Fire Protection Guide on Hazardous Materials, Standard 704, 1990

*NOTE: Marking chemicals to confirm NFPA 704 standard should be by technically competent persons in cooperation with the local fire department and Local Emergency Planning Committee (LEPC).*

1. What quantities of hazardous substances require the NFPA 704 marking system?

A specific quantity was not named in Missouri law. However, the federal law is referenced, so Missouri facilities should use the federal reporting thresholds of 10,000 pounds for hazardous chemicals; 500 pounds or the Threshold Planning Quantity (TPQ), whichever is less, for Extremely Hazardous Substances (EHS); and 100 pounds for explosives and blasting agents. The EHS chemicals and their TPQs can be found in 40 CFR Part 355, which is available by calling the Missouri Department of Public Safety at (314)526-3901. In other words, if a reportable amount of a hazardous chemical, Extremely Hazardous Substance, or explosive, is present in a building, room, or container, that building, room, or container, should have the appropriate NFPA 704 marking.

2. Where can I find the NFPA 704 ratings for my chemicals (health, flammability, reactivity, and special hazard information such as oxidizers, water reactive, or radioactive.)

There are a number of places this information might be obtained. Sources for information include the Material Safety Data Sheets (MSDS), the supplier or manufacturer, and reference material including the NFPA Fire Protection Guide on Hazardous Materials, and many other reference books and data bases on hazardous materials. If a rating for a particular substance has not been established, a rating should be developed by a technically competent person in conjunction with the local fire department and LEPC.

3. Where should I place NFPA signs?

The law states that signs are to be placed on buildings, rooms, and containers where hazardous chemicals are located. Since the purpose of these signs is to assist first responders in recognizing and identifying possible hazards, we urge you to work with your fire department in locating these signs and determining their size.

4. What if I have more than one reportable chemical in a building or room? What marking should I use?

You can use separate markings for the hazardous chemicals that are present or a single marking, for more than one chemical. If one marking is used for multiple chemicals, the NFPA standard state that health, flammability, and reactivity numbers should indicate the greatest hazard present in each category. An exception would be if the number would be misleading because only a small amount of the chemical with the higher rating is present.

5. Can I put markings up if I have less than reportable amount?

Yes, as long as such markings are not misleading.

6. Where can I purchase the NFPA marking system?

You can find the supplies for the marking system in many safety catalogs. Below is a list of some suppliers. The department does not endorse any particular supplier, and these are not the only vendors of marking suppliers.

*Labelmaster  
1-800-621-5808*

*Seton Name Plate Co.  
1-800-243-6624*

*Lab Safety Supply Inc.  
1-800-356-0783*

*Conney Safety Products  
1-800-356-9100*

*J.J. Keller & Assoc., Inc.  
1-800-327-6868*

# "SPILL BILL"

Sections 260.500 through 260.550, Revised Statutes of Missouri

and

## 10 CSR 24-1.010 through 24-3.010

(Missouri regulations pertaining to hazardous substance emergencies)

**260.500. Definitions** - As used in sections 260.500 to 260.550, unless the context clearly indicates otherwise, the following terms mean:

- (1) "Cleanup", all actions necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous substance;
- (2) "Cleanup costs", all costs incurred by the state or any of its political subdivisions, or their agents, or by any other person participating with the approval of the department of natural resources in the prevention or mitigation of damages from a hazardous substance emergency or the cleanup of a hazardous substance involved in a hazardous substance emergency;
- (3) "Department", the department of natural resources;
- (4) "Director", the director of the department of natural resources;
- (5) "Hazardous substance", any substance or mixture of substances that presents a danger to the public health or safety or the environment and includes:
  - (a) Any hazardous waste identified or listed by the department under sections 260.350 to 260.430;
  - (b) Any element, compound, mixture, solution, or substance designated pursuant to Sections 101(14) and 102 of the Comprehensive Environment Response, Compensation, and Liability Act of 1980; and
  - (c) Any hazardous material designated by the Secretary of the United States Department of Transportation under the Hazardous Materials Transportation Act;
  - (d) "Hazardous substances" does not include radioactive materials, wastes, emission or discharges that are licensed or regulated by laws of the federal government or of this state. However, such material released due to a transportation accident shall be considered a hazardous substance;
- (6) "Hazardous substance emergency":
  - (a) Any release of hazardous substances in quantities equal to or in excess of those determined pursuant to Section 101(14) or 102 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980;
  - (b) Any release of petroleum including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas) in excess of fifty gallons for liquids or three hundred cubic feet for gases;
  - (c) Any release of a hazardous waste which is reportable under sections 260.350 to 260.430;
  - (d) Any release of a hazardous substance which requires immediate notice under Part 171 of Title 49 of the Code of Federal Regulations;
  - (e) The department shall promulgate rules and regulations identifying the substances and the quantities thereof which, if released, constitute a

hazardous substance emergency. No rule or part of a rule promulgated pursuant to this act\* shall become effective until approved by the joint committee on administrative rules;

- (7) "Person", any individual, partnership, copartnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision, or any agency, board, department, or bureau of the state or federal government, or any other legal entity whatever which is recognized by law as the subject of rights and duties;
- (8) "Person having control over a hazardous substance", any person producing, handling, storing, transporting, refining, or disposing of a hazardous substance when a hazardous substance emergency occurs, including bailees, carriers, and any other person in control of a hazardous substance when a hazardous substance emergency occurs, whether they own the hazardous substance or are operating under a lease, contract, or other agreement with the legal owner thereof;
- (9) "Release", any threatened or real emission, discharge, spillage, leakage, pumping, pouring, emptying or dumping of a substance into or onto the land, air or waters of the state unless done in compliance with the conditions of a federal or state permit, unless the substance is confined and is expected to stay confined to property owned, leased or otherwise controlled by the person having control over the substance, or unless, in the case of pesticides, if application is done in accordance with the product label;
- (10) "State of Missouri basic emergency operations plan", the state plan, its annexes, and appendices as developed or maintained by the state emergency management agency for response to natural and man-made disasters in this state;
- (11) "Waters of the state", all rivers, streams, lakes and other bodies of surface and subsurface water lying within or forming a part of the boundaries of the state which are not entirely confined and located completely upon lands owned, leased or otherwise controlled by a single person or by two or more persons jointly or as tenants in common and includes waters of the United States lying within the state.

**(L. 1983 H.B. 528)**

**Effective 6-27-83**

**\*This act, H.B. 528, contained sections 260.035, 260.037, 260.390, 260.395, 260.397 and 260.420 to 260.425 and 260.435 to 260.609 and House Bill 1797 of Appendix B(1), Cum. Supp.1984.**

**260.505. Hazardous substance emergency response plan to be developed by department director - contents of plan.-**

- 1. The director shall develop a "Hazardous Substance Emergency Response Plan", as an appendix to the annex of the "State of Missouri Basic Emergency Operation Plan" part II, "The Missouri Comprehensive Emergency Preparedness and Disaster Relief Plan". The hazardous substance emergency response plan shall be developed in consultation and cooperation with affected industries, and in cooperation and with the approval of the departments of public safety, social services, agriculture, conservation, highways and transportation, and economic development for their areas of responsibility. The plan shall outline the respective responsibilities of the involved agencies in responding to hazardous substances emergencies. The department may enter into agreements with any state agency or unit of local government, with the federal government and with other persons as necessary to develop and implement the hazardous

substances emergency response plan and to implement sections 260.005 to 260.550.

2. The hazardous substance emergency response plan shall establish one statewide telephone number to be used to notify the state of Missouri whenever a hazardous substance emergency occurs. Such phone shall be monitored by technical staff capable of advising the person reporting the emergency of the proper immediate actions to take pending the arrival of response personnel or other qualified assistance. The number shall be established by rule by the department in cooperation with the other affected state agencies and in accordance with the hazardous substance emergency response plan.
3. The person monitoring the statewide emergency telephone shall notify the appropriate agencies as designated in the hazardous substance emergency response plan.
4. Any person having control over a hazardous substance shall contact the state of Missouri, as specified in subsection 2 of this section, or the National Response Center, at the earliest practical moment upon discovery of an emergency involving the hazardous substance under his control. If requested, a written report of particulars of the incident shall be submitted. Failure to notify as required in this section is a class A misdemeanor. Notification received pursuant to this paragraph or information obtained by the exploitation of such notification shall not be used against any such person in any criminal case, except a prosecution for perjury or for giving a false statement.

**(L. 1983 H.B. 528)**

**Effective 6-27-83**

**260.510. Hazardous substances, director's powers and duties.** - The director:

- (1) Shall provide technical advice and assistance to other state agencies, to political subdivisions of the state and to other persons upon request for the prevention, control and response to hazardous substance emergencies;
- (2) May require the person having control over a hazardous substance involved in a hazardous substance emergency to clean up the hazardous substance and take any reasonable actions necessary to end a hazardous substance emergency;
- (3) May clean up a hazardous substance and take any actions necessary to end a hazardous substance emergency if the person having control over a hazardous substance fails to take reasonable actions required by the director to clean up such hazardous substance or end such hazardous substance emergency;
- (4) Shall take those actions necessary to clean up a hazardous substance or to end a hazardous substance emergency if the person having control over the hazardous substance cannot be contacted within a reasonable amount of time;
- (5) May require a person having control over a hazardous substance involved in a hazardous substance emergency to take such corrective actions as may be reasonably required to prevent a recurrence of hazardous substance emergencies;
- (6) May clean up any release of a substance if such release is a threat to the environment.

**(L. 1983 H.B. 528)**

**Effective 6-27-83**

**260.515. Actions to abate, control or clean up not construed as admission of liability.**-Any action taken by any person to abate, control, or clean up a hazardous

substance involved in a hazardous substance emergency shall not be construed as an admission of liability for a hazardous substance emergency.

**(L. 1983 H.B. 528)**

**Effective 6-27-83**

**260.520. Rules and regulations--procedure.--**The director may adopt, amend, promulgate or repeal, after due notice and hearing, rules and regulations to implement sections 260.500 to 260.550. No rule or part of a rule promulgated pursuant to this act\* shall become effective until approved by the joint committee on administrative rules.

**(L. 1983 H.B. 528)**

**Effective 6-27-83**

**\* This act, H.B. 528, contained sections 260.035, 260.037, 260.390, 260.395, 260.397 and 260.420 to 260.425 and 260.435 to 260.609 and House Bill 1797 of Appendix B(1), Cum. Supp. 1984.**

**260.525. Investigation, no person to refuse entry--search warrant to be issued.--**

No person shall refuse entry or access for the purpose of investigating or responding to hazardous substance emergencies of an authorized representative of the department who presents appropriate credentials, nor obstruct or hamper the representative. A suitably restricted search warrant, upon showing of probable cause in writing and upon oath, shall be issued by any judge or associate circuit judge having jurisdiction to any such representative for the purpose of enabling the representative to investigate or respond to hazardous substance emergencies

**(L. 1983 H.B. 528)**

**Effective 6-27-83**

**260.530. Cleanup costs, liability--failure to comply, damages exceptions--records of expense to be kept.--**

1. Any person having control over a hazardous substance shall be strictly liable to the state of Missouri for the reasonable cleanup costs incurred by the state as a result of the failure of such person to clean up a hazardous substance involved in a hazardous substance emergency in accordance with the requirements of sections 260.500 to 260.550 and rules promulgated by the department pursuant thereto. If such failure is willful, the person shall, in addition, be liable for punitive damages not to exceed triple the cleanup costs incurred by the state. Prompt and good faith notification to the director by the person having control over a hazardous substance that such person does not have the resources or managerial capability to begin or continue cleanup activities, or a good faith effort to clean up, relieves the person of liability for punitive damages, but not for actual cleanup costs. The director shall keep a record of all expenses incurred in carrying out any project or activity authorized by sections 260.500 to 260.550.
2. A person otherwise liable under the provisions of section 260.500 to 260.550 is not liable if he demonstrates that the hazardous substance emergency occurred as the result of an act of God, an act of war, an act of the state of Missouri or the United States or solely the act of a third party. For the purposes of sections 260.500 to 260.550, no employee, agent of, or independent contractor employed by a person otherwise liable shall be considered a third party.

**(L. 1983 H.B. 528)**

**Effective 6-27-83**

**260.535. Fund, deposits to--purpose for use.--**Moneys received pursuant to the provisions of sections 260.500 to 260.550 which are not required by article IX, section 7 of the constitution to be distributed to schools shall be deposited in the hazardous waste remedial fund and shall, upon appropriation, be used for control, abatement, analysis, cleanup, investigation and other reasonable costs incurred when responding to hazardous substance emergencies or shall be used to reimburse the federal government for federal funds expended for the purposes named in this section. All other costs of the department necessary to carry out the provisions of sections 260.500 to 260.550 shall be appropriated from general revenue or from available federal funds.  
(L. 1983 H.B. 528, A.L. 1988 S.B. 535)

**260.540. State employees acting in official capacity, liability.--**Persons employed by the state of Missouri shall not be held liable for damages incurred as a result of actions taken by them when acting in their official capacity pursuant to sections 260.500 to 260.550, rules promulgated pursuant thereto and the hazardous substance emergency response plan. However, the state of Missouri may be held liable for any such damages as provided in sections 537.600 and 537.610, RSMo, or as may be covered by liability insurance or a self-insurance plan.  
(L. 1983 H.B. 528)  
Effective 6-27-83

**260.545. Providing assistance at request of department, political subdivision or volunteer fire protection district, liability for actions when.--**Any person who provides assistance, including equipment or materials, at the request of the department or a political subdivision or volunteer fire protection district or by previous agreement with the department or political subdivision or volunteer fire protection district in the event of a release of a hazardous substance shall not be held liable in any civil action for damages as a result of that person's acts or omissions in rendering such assistance. Nothing in this section shall relieve any person from civil damages in the following circumstances:

- (1) Where the release referred to is the result of the person's having control of a spilled hazardous substance;
- (2) Where the person rendered assistance for payment beyond reimbursement for out-of-pocket expenses or with the expectation of such payment; or
- (3) For acts or omissions which result from intentional wrongdoing or gross negligence.

(L. 1983 H.B. 528, A.L. 1988 S.B. 535, A.L. 1990 H.B. 1395, H.B. 1448)

**260.546. Emergency assistance--cost, how paid--cost statement, costs not to be included--payment, when--amount, appeal procedure--state fund to pay cost but repayment required.--**

1. In the event that a hazardous substance release occurs for which a political subdivision or volunteer fire protection association as defined in section 320.300, RSMo, provides emergency services, the person having control over a hazardous substance shall be liable for such reasonable cleanup costs incurred by the political subdivision or volunteer fire protection association. Such liability includes the cost of materials, supplies and contractual services actually used to secure an emergency situation. The liability may also include the cost for contractual services which are not routinely provided by the department or political subdivision or volunteer fire protection association. Such liability shall not include the cost of normal services which otherwise would have

been provided. Such liability shall not include budgeted administrative costs or the costs for duplicate services if multiple response teams are requested by the department or political subdivision unless, in the opinion of the department or political subdivision, duplication of service was required to protect the public health and environment. Such liability shall be established upon receipt by the person having control of the spilled hazardous substance of an itemized

statement of costs provided by the political subdivision.

2. Full payment shall be made within thirty days of receipt of the cost statement unless the person having control over the hazardous substance contests the amount of the costs pursuant to this section. If the person having control over the hazardous substance elects to contest the payment of such costs, he shall file and appeal with the director within thirty days of receipt of the costs statement.
3. Upon receipt of such an appeal, the director shall notify the parties involved of the appeal and collect such evidence from the parties involved as he deems necessary to make a determination of reasonable cleanup costs. Within thirty days of notification of the appeal, the director shall notify the parties of his decision. The director shall direct the person having control over a hazardous substance to pay those costs he finds to be reasonable and appropriate. The determination of the director shall become final thirty days after receipt of the notice by the parties involved unless prior to such date one of the involved parties files a petition for judicial review pursuant to chapter 536 RSMo.
4. The political subdivision or volunteer fire protection association may apply to the department for reimbursement from the hazardous waste remedial fund created in section 260.535, for the costs for which the person having control over a hazardous substance shall be liable if the political subdivision or volunteer fire protection association is able to demonstrate a need for immediate relief for such costs and believes it will not receive prompt payment from the person having control over a hazardous substance. When the liability owed to the political subdivision or volunteer fire protection association by the person having control over a hazardous substance is paid, the political subdivision or volunteer fire protection association shall reimburse the department for any payment it has received from the hazardous waste remedial fund. Such reimbursement to a political subdivision or volunteer fire protection association by the department shall be paid back to the department by the political subdivision or volunteer fire protection association within that time limit imposed by the department notwithstanding failure of the person having control over a hazardous substance to reimburse the political subdivision or volunteer fire protection association within that time.

(L. 1990 H.B. 1395 & 1448)

**260.550. Information to be available to public, exceptions.**--Information obtained under the provisions of sections 260.500 to 260.550 or any rule or regulation, order or condition adopted or issued thereunder, or any investigation authorized thereby, shall be available to the public unless:

- (1) Non-disclosure is requested in writing;
- (2) Such information constitutes trade secrets or information which is entitled to confidential treatment in order to protect any plan, process, tool, mechanism, or compound which is known only to the person claiming confidential treatment and confidential treatment is necessary to protect such person's trade, business or manufacturing process;



- (3) Such Non-disclosure will not result in an unreasonable threat to the health of humans or the environment; and
- (4) Disclosure is not required under any federal act. Any employee of a department or any former employee of a department who, for a period of two years after the termination of such relationship, is convicted of willful disclosure or conspiracy to disclose trade secrets or information which is entitled to such confidential treatment to any person other than one entitled to the information under sections 260.500 to 260.550 is guilty of a class A misdemeanor.  
(L. 1983 H.B. 528)  
Effective 6-27-83

## **HAZARDOUS WASTE CLEANUP**

### **260.552. Liability limitation for persons in business of hazardous waste cleanup created by others, exceptions--waste cleanup of environmental hazard defined.--**

- 1. No person engaged in the business of waste cleanup of environmental hazards created by others, including asbestos, shall be liable for any damages arising from the release or discharge of a pollutant, resulting from such activity, in an amount greater than one million dollars to any one person or three million dollars to all persons for a single occurrence. The limitation of liability of this section shall not:
  - (1) Affect any right of indemnification which such person has, or may acquire by contract, against any other person who is liable for creating an environmental hazard;
  - (2) Apply to persons who intentionally, wantonly, or willfully violate federal or state regulations respecting the clean-up process.
- 2. For purposes of this\* section, the phrase "business of waste cleanup of environmental hazard" shall mean an activity including the investigation, evaluation, planning, design, engineering, removal, construction and ancillary services, which is carried out to abate or clean up a pollutant.

**(L. 1987 H.B. 700 § 37)**

**Effective 7-1-87**

**\*Word "the" appears in original rolls.**

# EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW PUBLICATIONS

AVAILABLE FROM THE MISSOURI EMERGENCY RESPONSE COMMISSION

## GENERAL INFORMATION

- #A1 ***EPCRA Fact Sheet (Emergency Planning and Community Right-to-Know Act - Title III)*** - A summary of the federal and state laws and their implementation in Missouri (MERC)
- #A2 ***Chemicals in Your Community*** - A guide to the Emergency Planning and Community Right-to-Know Act (USEPA)

## LOCAL EMERGENCY PLANNING COMMITTEES

- #B1 ***Local Emergency Planning Committees*** - A summary of the composition and responsibilities of LEPCs (MERC)
- #B2 ***Local Emergency Planning Committee Address List*** (MERC)
- #B3 ***It's Not Over in October*** - A guide for Local Emergency Planning Committees (USEPA)
- #B4 ***Model of a Hazardous Materials Plan*** (MERC)
- #B5 ***Attachment C from the Guide for All-Hazard Emergency Operations Planning*** - Hazardous Chemicals (FEMA)
- #B6 ***Technical Guidance for Hazards Analysis*** - Emergency Planning for Extremely Hazardous Substances (USEPA)
- #B7 ***Clean Air Act Section 112(r) Fact Sheet*** (USEPA)
- #B8 ***40 CFR Part 310*** - Reimbursement to Local Governments for Emergency Response Hazardous Substance Releases (USEPA Regulations)
- #B9 ***40 CFR Part 311 and 29 CFR Part 1910.120*** - Training requirements for Hazardous Waste Operations and Emergency Response (USEPA, OSHA)
- #B10 ***Technical Bulletin: Response to Small Fuel Spills*** (DNR)
- #B11 ***Risk Communication About Chemicals in Your Community*** - A Manual for Local Officials (FEMA, USEPA)
- #B12 ***Hazardous Materials Exercise, Evaluation, & Methodology Manual*** (FEMA)
- #B13 ***Hazardous Materials Exercise, Evaluation, & Methodology Evaluation Forms*** (FEMA)
- #B14 ***Managing Hazardous Materials Incidents Volume I for Emergency Medical Services.***
- #B15 ***Managing Hazardous Materials Incidents Volume II for Hospital Emergency Departments.***

Revised: November 10, 2003

## COMPLIANCE

- #C1     ***How to Comply with EPCRA*** - (Title III) - Quick reference (MDFS) (See also item #A1)
- #C2     ***The Emergency Planning and Community Right-to-Know Act of 1986*** - Title III of the Superfund Amendments and Reauthorization Act of 1986) (EPCRA)
- #C3     ***Missouri's Emergency Planning and Community Right-to-Know Law*** - (Sections 292.600 to 292.625 RSMo)
- #C4     ***40 CFR Appendix to Part 355*** - Extremely Hazardous Substance List and their Threshold Planning Quantities.
- #C5     ***Community Right-to-Know and Small Business*** - Understanding Sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act of 1986 (USEPA)
- #C6     ***Compliance Packet for Tier Two Reporting, Forms & Instructions*** (MERC)
- #C7     ***40 CFR Part 355 and Part 372*** - Emergency Planning & Notification and Toxic Chemical Release Reporting; Community Right-to-Know (USEPA Regulations)
- #C8     ***Title III List of Lists*** - Consolidated list of chemicals subject to reporting under Title III of SARA (USEPA)
- #C9     ***Reporting Guidelines for Agricultural Supply Businesses*** (MERC)
- #C10    ***Explosives Reporting Requirements*** - Fact Sheet (MERC)
- #C11    ***NFPA 704 Marking System*** - Fact Sheet (Wright & Ericksen)
- 

Please send me a single copy of the publications which I have circled.

#A1	#B6	#B13	#C5	Name	_____
#A2	#B7	#B14	#C6	Address	_____
#B1	#B8	#B15	#C7		_____
#B2	#B9	#C1	#C8		_____
#B3	#B10	#C2	#C9		_____
#B4	#B11	#C3	#C10		_____
#B5	#B12	#C4	#C11		_____

Other \_\_\_\_\_

### MAIL TO:

Missouri Emergency Response Commission  
P.O. Box 3133  
Jefferson City, MO 65102

*Revised: November 10, 2003*

**ACTIVITY: LEPC EMERGENCY PLAN** \_\_\_\_\_

REGULATORY CITATION	AUDITORS' CHECKLIST	COMMENTS	FINDING NUMBER
42 U.S.C. 11003 (c) (1)	Identification of facilities subject to the requirements of this sub-chapter that are within the emergency planning district, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances referred to in section <a href="#">11002</a> (a) of this title, and identification of additional facilities contributing or subjected to additional risk due to their proximity to facilities subject to the requirements of this sub-chapter, such as hospitals or natural gas facilities.		
42 U.S.C. 11003 (c) (2)	Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.		
42 U.S.C. 11003 (c) (3)	Designation of a community emergency coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.		

**ACTIVITY: LEPC EMERGENCY PLAN** \_\_\_\_\_

<b>REGULATORY CITATION</b>	<b>AUDITORS' CHECKLIST</b>	<b>COMMENTS</b>	<b>FINDING NUMBER</b>
42 U.S.C. 11003 (c) (4)	Procedures providing reliable, effective, and timely notification by the facility emergency coordinators and the community emergency coordinator to persons designated in the emergency plan, and to the public, that a release has occurred (consistent with the emergency notification requirements of section <a href="#">11004</a> of this title).		
42 U.S.C. 11003 (c) (5)	Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.		
42 U.S.C. 11003 (c) (6)	A description of emergency equipment and facilities in the community and at each facility in the community subject to the requirements of this subchapter, and an identification of the persons responsible for such equipment and facilities.		

# ACTIVITY: LEPC EMERGENCY PLAN \_\_\_\_\_

REGULATORY CITATION	AUDITORS' CHECKLIST	COMMENTS	FINDING NUMBER
42 U.S.C. 11003 (c) (7)	Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.		
42 U.S.C. 11003 (c) (8)	Training programs, including schedules for training of local emergency response and medical personnel.		
42 U.S.C. 11003 (c) (9)	Methods and schedules for exercising the emergency plan.		
42 U.S.C. 11003 (a)  Plan Required	Each local emergency planning committee shall complete preparation of an emergency plan in accordance with this section not later than two years after October 17, 1986. The committee shall review such plan once a year, or more frequently as changed circumstances in the community or at any facility may occur.		

ATTACHMENT – LEPC

## LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) EXERCISES

\*These areas represent the minimum requirements to qualify as an exercise. In addition, jurisdictions are encouraged to test areas particular to your plan.

- #1 Notification
- #2 Communications
- #3 Coordination and Control (ICS Mandatory)  
PIO function included
- #6 Health and Medical (a, b, c)
- #7 Individual/Family Assistance (b-In-place sheltering, c)
- #8 Public Safety (Includes warning)
- #9 Public Works
- #10 Resource Management (Responders responding to their level of training) (b)

Send completed form and attachment to:

A J Lehmen  
SEMA  
P.O. Box 116  
Jefferson City, MO 65102  
Email: [AJ.Lehmen@sema.dps.mo.gov](mailto:AJ.Lehmen@sema.dps.mo.gov)

# **CEPF AND HMEP LEPC FUNDING**

## **2004**

### **MISSOURI EMERGENCY RESPONSE COMMISSION**



**PO Box 3133, Jefferson City, Missouri 65102**  
**573-526-9240                      800-780-1014**





# MISSOURI EMERGENCY RESPONSE COMMISSION

Department of Public Safety  
State Emergency Management Agency  
P.O. Box 3133

Jefferson City, Missouri 65102  
Ph: 573-526-9240 or 800-780-1014 Fax: 573-526-9261  
MERC Web Site: <http://www.sema.state.mo.us/mercc.htm>  
Tier Two Website: <http://hazmat.dps.state.mo.us>



April 28, 2004

To: Local Emergency Planning Committees/Districts

As Executive Director of the Missouri Emergency Response Commission (MERC), I am pleased to announce the availability of LEPC Grants from the Chemical Emergency Preparedness Fund (CEPF) as well as Hazardous Materials Emergency Preparedness Fund (HMEP) for fiscal year 2004. This funding is being offered to LEPCs to assist them with their planning and training activities as mandated by the Emergency Planning and Community Right-to-Know Act (EPCRA). We encourage all LEPCs to take advantage of this funding opportunity. The Commission has outlined the activities and expenses for which the funds may be used, and there is no matching fund requirement. Again this year we have combined the reporting of both fundings to simplify the process for the LEPCs as well as our staff.

The source of the CEPF funds are from Tier Two filing fees collected for Reporting Year 2003.

The HMEP funds are made available through the U.S. Department of Transportation (U.S. DOT) and are administered by the MERC.

Any LEPC that utilizes a regional planning council must submit a copy of an LEPC-approved and signed contract or signed agreement for services for the upcoming funding period (July 1, 2004 through June 30, 2005). This signed contract or agreement must accompany this packet of information when submitted. Please contact the MERC staff if you have any questions about this requirement.

In an effort to distribute collected funds in a timely manner, we have decided to begin the process earlier. Please read the guidelines carefully and submit the documentation requested in this packet by **July 15, 2004.** If you have any questions after reading through the packet, please contact the MERC staff at (800) 780-1014 for clarification.

Sincerely,

A handwritten signature in black ink that reads 'Robert E. Dopp'.

Robert E. Dopp  
MERC Executive Director

COUNTY \_\_\_\_\_

**APPROXIMATE CEPF FUNDING FOR NEXT YEAR**

*(Based on last year's Tier Two fees collected)*

\_\_\_\_\_

**APPROXIMATE HMEP FUNDING AVAILABLE FOR NEXT YEAR**

*(Distribution based on total number of state/federal highway miles in each county.*

*Amount is based on last year's grant received.)*

\_\_\_\_\_

**TOTAL ESTIMATED AMOUNT AVAILABLE**

\_\_\_\_\_

This document is intended to guide LEPCs in how to use the funding available under the Missouri Emergency Planning and Community Right-to-Know Act. In addition to this general guidance, this packet includes a copy of forms to be completed.

Please complete Funding Grant  
and return to:

The MERC  
PO Box 3133  
Jefferson City, MO 65102.

**BY**  
**JULY 15, 2004**

<p style="text-align: center;"><b><i>LEPC FUNDING</i></b> <b><i>FY 2004-2005</i></b></p> <p style="text-align: center;"><b>GUIDELINES</b></p>
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To alleviate some of the confusion and simplify the funding process, the Missouri Emergency Response Commission (MERC) has combined the two funds required documentation again this year for the CEPF and HMEP funding grants. The following are the guidelines for each funding grant that is available for the Local Emergency Planning Committees (LEPCs), along with one packet of information that must be completed, signed and returned by **July 15, 2004**.

Fees collected by the department and all funds provided to local emergency planning committees shall be used for chemical emergency preparedness purposes as outlined in sections 292.600 to 292.625 RSMo and the federal act, including (1) contingency planning for chemical releases; (2) exercising, evaluating, and distributing plans; (3) providing training related to chemical emergency preparedness and prevention of chemical accidents; (4) identifying facilities required to report; (5) processing the information submitted by facilities and making it available to the public; (6) receiving and handling emergency notifications of chemical releases; (7) operating a local emergency planning committee; and (8) providing public notice of chemical preparedness activities. (RSMo 292.606.4) For further clarification, please call the MERC at 800-780-1014 or go to the MERC homepage at [www.sema.dps.mo.gov/mercc.htm](http://www.sema.dps.mo.gov/mercc.htm) and click on Community Right-To-Know Act.

### **CEPF Funding**

The CEPF funding program's purpose is to increase local effectiveness to prevent chemical accidents; to safely and efficiently handle hazardous materials emergencies; and to enhance implementation of the state and federal Emergency Planning and Community Right-to-Know Acts (EPCRA). RSMo292.602-3-4 authorizes the Missouri Emergency Response Commission to provide assistance to Local Emergency Planning Committees through funding received from the hazardous chemical fee system.

This funding program is supported by fees collected under a state fee program requiring a facility having to comply with reporting requirements under EPCRA to contribute to the program. Pipelines transporting hazardous materials must also contribute to the program. These fees are placed in the "Chemical Emergency Preparedness Fund" (CEPF). Funds are provided to Local Emergency Planning Committees (LEPCs) through the county governing body. If an LEPC has been formed, the county shall immediately provide such funds to the LEPC committee.

## **FOLLOWING ARE EXAMPLES OF PROJECTS AND ACTIVITIES ELIGIBLE FOR CEPF FUNDING:**

### **1. CONTINGENCY PLANNING FOR CHEMICAL RELEASES**

- Purchase a PC and software to support planning for hazardous material releases and responses (e.g. CAMEO, PEAC) [*#4 - Summary of Expenditures - Line 6*] The website for PEAC is: <http://www.aristatek.com>

- Pay for expenses associated with developing, reviewing and updating hazardous materials emergency response plans and procedures (e.g. meeting expenses [#4 - Line 8], professional consultants fees [#4 - Line 7], etc.)

**2. EXERCISING, EVALUATING AND DISTRIBUTING PLANS**

- Expenses to conduct emergency response drills and exercises associated with the plan [#4 - Line 10]
- Copying and mailing expenses, if applicable, to distribute the plans [#4 - Line 3]
- Fees for a professional instructor to design and/or oversee exercises. [#4 - Line 10]
- Expenses to conduct specialized and functional exercises (focusing on a specific issue, such as in- place protection, etc.) [#4 - Line 10].

**3. PROVIDING TRAINING RELATED TO CHEMICAL EMERGENCY PREPAREDNESS AND PREVENTION OF CHEMICAL ACCIDENTS**

- Expenses to participate in appropriate state, regional, or federal training courses (travel, [#4 - Line 4] course fees [#4 - Line 10], etc.). Appropriate courses may relate to planning, response, inspections, compliance, personnel safety, safety audits, etc.
- Expense of printing and mailing training materials [#4 - Line 3]
- Rental of a facility or equipment needed for training purposes [#4 - Line 10]
- Fee for a special instructor (as required) [#4 - Line 10]
- Purchase of training programs and/or materials to be used to support local training [#4 - Line 9]

**4. IDENTIFYING FACILITIES REQUIRED TO REPORT**

- Print and mail notices to potentially covered facilities [#4 - Line 3]
- Expenses for contracted clerical personnel to create and maintain a paper file and/or electronic database of reported facilities [#4 - Line 7]

**5. PROCESSING INFORMATION SUBMITTED BY FACILITIES; MAKE IT AVAILABLE TO THE PUBLIC**

- Expenses to set up and maintain a chemical inventory reporting file system and/or information database [#4 - Line 8]
- Purchase file cabinet and file guides to organize and file information [#4 - Line 5]

**6. RECEIVING AND HANDLING EMERGENCY NOTIFICATIONS OF CHEMICALS RELEASES**

- Expenses to set up and maintain an emergency release notification filing system and database [#4 -Line 8]

**7. OPERATING A LOCAL EMERGENCY PLANNING COMMITTEE**

- Expenses associated with printing, copying and distributing informational materials to LEPC members and other appropriate groups [#4 - Line 3]
- Expenses as needed for LEPC Committee meetings and other LEPC activities [#4 - Line 8]
- Pay for an independent audit of LEPC fund use as needed [#4 - Line 8]

**8. PROVIDING PUBLIC NOTICE OF CHEMICAL PREPAREDNESS ACTIVITIES**

- Advertising LEPC meetings and activities in newspapers, radio, TV etc. [#4 - Line 8]

## EMERGENCY RESPONSE EQUIPMENT [#4 - Line 11]

***NOTE: The funds provided under Missouri's Emergency Planning and Community Right-to-Know Act are intended primarily to support the planning, training, and community right-to-know components of local emergency preparedness for chemical hazards. If a Local Emergency Planning Committee elects to use these funds for hazardous materials response equipment, the Missouri Emergency Response Commission (MERC) recommends that the following be accomplished first:***

- The LEPC should have completed a hazards analysis for Extremely Hazardous Substances (EHS) and the more common hazardous chemicals present in their community.
- The LEPC should have completed a local emergency plan following the guidelines of 40 CFR Part 311 and 29 CFR 1910.120.
- The personnel who will be using the equipment should have the level of training needed for their expected level of involvement with hazardous chemicals as specified in 40 CFR Part 311 and the local emergency plan. On-going training to maintain response competency and for use of the purchased equipment should also be considered.

## **HMEP FUNDING**

The HMEP Grants Program, as mandated by the law, establishes a role for the Federal government in providing financial and technical assistance, national direction, and guidance to enhance State, local, and tribal hazardous materials emergency planning and training. The HMEP Grants Program is designed to build upon existing programs and to support the working relationships within the National Response System and the Emergency Planning and Community Right-to-Know Act of 1986 (Title III). 42 U.S.C. 11001 *et seq.* The grants are to be used to develop, improve, and implement emergency plans, to train public sector hazardous materials emergency response employees to respond to accidents and incidents involving hazardous materials, to determine flow patterns of hazardous materials within a State and between States, and to determine the need within a State for regional hazardous materials emergency response teams.

The MERC is required by law to pass at least 75 percent of the planning grant amount to the LEPC's to develop emergency plans, and to make available at least 75 percent of the training grant amount for training public sector employees employed or used by a political subdivision of the State. These provisions ensure that funds are provided to the local emergency response teams for planning purposes and that training is provided to first responders. These funds are distributed by a set formula, which is based on the total number of state/federal highway miles in each of those counties.

## **FOLLOWING ARE EXAMPLES OF PROJECTS AND ACTIVITIES ELIGIBLE FOR**

### **HMEP FUNDING:**

#### **1. DEVELOPING EMERGENCY PLAN:**

- Development, improvement, and implementation of the emergency plan required under SARA Title III. [#4 - Summary of Expenditures - Line 7]
- Enhancement of emergency plan including response procedures involving transportation of hazardous goods and radioactive materials. [#4 - Line 7]

- Conducting jurisdiction wide hazards analysis (include hazards identification, vulnerability analysis and risk assessment). [*#4 - Line 7*]
- Conducting exercises that test the emergency operations (the first and utmost priority is to enhance the LEPCs emergency plan before entering into this part of the planning program). [*#4 - Line 10*]

**2. COMMODITY FLOW ASSESSMENT:**

- Assessment to determine flow patterns of hazardous goods into or within the state. [*#4 - Line 7*]

**3. TRAINING NEEDS ASSESSMENT:**

- Assessment to determine the number of public sector employees (first responders or public officials who are not responders but who perform activities associated with emergency response plans developed under EPCRA) employed or used by a political subdivision who need the proposed training. [*#4 - Line 7*]

Any questions regarding the LEPC or HMEP grant program may be directed to:

***Robert E. Dopp, Executive Director  
Missouri Emergency Response Commission  
P.O. Box 3133  
Jefferson City, MO 65102  
(800) 780-1014***

<b>Missouri Emergency Response Commission</b> <b>Missouri Department of Public Safety</b> <b>PO Box 3133</b> <b>Jefferson City, MO 65102</b>  <b>CEPF &amp; HMEP Funding</b> <b>July 1, 2004 to June 30, 2005</b> <b>DUE BY JULY 15, 2004</b>		<b>MERC USE ONLY</b>	
		<b>Amount of Funding Distributed</b>	
		<b>CEPF Grant</b>	
		<b>HMEP Grant</b>	
		<b>TOTAL</b>	
		<b>MERC Approval Signature</b>	
		<b>Date Approved</b>	
<b>LEPC NAME AND ADDRESS</b>		<b>AVAILABLE GRANTS:</b>	
			<b>YES</b>
		<b>CEPF Grant</b>	
		<b>HMEP Grant</b>	
<b>LEPC Point of Contact:</b>	<b>Telephone Number</b>	<b>E-mail Address</b>	
1) Please read the attached Guidelines before completing this packet of information.			
2) Please list Main Objectives or Projects to be funded with these Grants (use separate sheet if needed).			
(2a) Eligible projects and objectives to be funded with <u>CEPF</u> funds. (Please complete all that apply):			
	Contracts (i.e. consultants)		
	Services (i.e. supplies, books, printing)		
	Emergency Response Equipment		
	Other (please specify)		
(2b) Eligible projects and objectives to be funded with <u>HMEP</u> funds. (Please complete all that apply):			
	Contracts (i.e. consultants)		
	Services (i.e. supplies, books, printing)		
	Other (please specify)		
3) Attach a <u>List of LEPC Members</u> , the <u>Minutes of the last LEPC Meeting</u> and a copy of <u>Signed Contract/Service Agreement</u> with Regional Planning Council (if applicable).			

**4) ANNUAL REPORT OF USE OF LEPC FUNDS FROM PREVIOUS YEAR**

**SUMMARY OF EXPENDITURES CHARGED TO LEPC FUNDS - Fiscal Year 7/1/2003 - 6/30/2004**

		CEPF Funds	HMEP Funds	Details / Add'l Information <b><u>REQUIRED</u></b>
1)	Prev. Yr. Bal. - Unspent Funds	\$	\$	
2)	Amount of Grant Rec'd - FY 2004	\$	\$	
3)	Postage & Printing	\$	\$	
4)	Travel Expense	\$	\$	
5)	Office Furniture / Equipment	\$	(NOT ELIGIBLE)	
6)	Computer Equip. & Software	\$	(NOT ELIGIBLE)	
7)	Contractor Costs	\$	\$	
8)	Administrative Costs	\$	(NOT ELIGIBLE)	
9)	Reference Materials	\$	\$	
10)	Training	\$	\$	
11)	Equipment	\$	(NOT ELIGIBLE)	
12)	Other Expenditures (explain)	\$	\$	
13)	TOTAL EXPENDITURES / FY2004	\$	\$	(Total Lines 3 thru 12)
14)	BALANCE OF FY2004 FUNDS (+/-)	\$	\$	(Subtract Line 13 from Line 2)
15)	TOTAL UNSPENT FUNDS ON HAND	\$	\$	(Line 1 + [or - ] Line 14)

*Please note: \*SIGNATURES CERTIFY THAT THE FUNDS WILL BE ACCEPTED AND USED IN ACCORDANCE WITH STATE LAW AND THE ATTACHED GUIDELINES.*

**5)**

\_\_\_\_\_  
LEPC Chair (please print or type)

\_\_\_\_\_  
\*Signature

<b>6)</b>	County (or Counties if LEPCD)	NAME (Type or Print)	*Signature of County Commissioner(s) (LEPCD - Commissioner from <u>EACH</u> county must sign.)



<b>Estimated Annual Budget for LEPC Activities</b> <b>Beginning July 1, 2004 and Ending June 30, 2005</b>
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\$ \_\_\_\_\_ Printing and Postage

\$ \_\_\_\_\_ Travel

\$ \_\_\_\_\_ Office Equipment and Supplies

\$ \_\_\_\_\_ Computer Equipment and Software

\$ \_\_\_\_\_ Contracts for Services

Name of Contractor	Services	\$ _____ Amount of Contract
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Name of Contractor	Services	\$ _____ Amount of Contract
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Name of Contractor	Services	\$ _____ Amount of Contract
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Name of Contractor	Services	\$ _____ Amount of Contract
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\$ \_\_\_\_\_ Resource Materials

\$ \_\_\_\_\_ Training Expenses

\$ _____	Equipment	Type of Equipment	Destination
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Type of Equipment	Destination
-------------------	-------------

\$ \_\_\_\_\_ Other Costs \_\_\_\_\_

\$ \_\_\_\_\_ **Total**

\_\_\_\_\_  
Signature of LEPC Chairman

## ***Funding Packet Checklist***

Please ensure that this information has been made available to all LEPC members for their review.

Before mailing to The MERC, please make sure the documentation listed below is included.

APPLICATION MUST BE SUBMITTED BY **JULY 15, 2004** TO BE CONSIDERED FOR FUNDING.

### **CHECKLIST**

☐ ***Completed packet of information that includes:***

- ☐ ***funding grants received previous year***
- ☐ ***list of anticipated objectives and projects***
- ☐ ***report of use of funds for the previous year***
- ☐ ***required signatures***

☐ ***Estimated Annual Budget form for upcoming year***

☐ ***Minutes of last LEPC meeting***

☐ ***A list of current LEPC members for approval***  
***(please include their address, phone number and affiliation)***

☐ ***Plan updates or status*** ***(if not submitted since July 2003)***

☐ ***Copy of current rules or by-laws*** ***(if not previously submitted)***

☐ ***Copy of signed contract/service agreement with***  
***regional planning council for current year*** ***(if applicable)***